

# opinion

## OIG Opinion on Motivational Incentives

In late 2004, the Substance Abuse and Mental Health Services Administration (SAMHSA) and the National Institute on Drug Abuse (NIDA) were notified by community-based substance use disorders treatment providers that state Medicaid Offices had interpreted that the OIG Special Advisory Bulletin on Offering Gifts and Other Inducements to Beneficiaries was applicable to the use of motivational incentives (aka: contingency management, low-cost reinforcement, etc.).

More specifically, some states informed substance use disorders treatment programs that the use of motivational incentives was in violation of the Social Security Act and constituted grounds for the imposition of civil monetary penalties and/or the imposition of administrative sanctions.

To address this issue, SAMHSA and NIDA contacted the HHS Office of the Inspector General (OIG) to discuss the process required to request an opinion and consulted with key leaders in the substance use disorders treatment field to identify potential strategies. A substance use disorders treatment center submitted a request to the OIG for an advisory opinion about their therapeutic use of motivational incentives, which was based on extensive scientific literature documenting treatment outcomes in reducing substance abuse and increasing treatment adherence.

On October 2, 2008, the OIG posted Advisory Opinion No. 08-14 addressing a substance use disorders treatment center's use of motivational incentives. Although this OIG Advisory Opinion applies to the specific program that requested the opinion, the opinion spells out some basic issues for consideration by others. The Advisory Opinion concluded that the motivational incentives program does not constitute grounds for the imposition of civil monetary penalties and that the OIG would not impose administrative sanctions in connection with this program.

The OIG also noted that the treatment program was deemed to not violate the statutes due to the following safeguards:

- The program follows the therapeutic guidelines consistent with the training curricula and planning materials jointly published by the NIDA and SAMHSA, based on government sponsored research;
- The incentives never take the form of cash (instead would be given as gift cards to stores, gas stations, etc.);
- The incentives are low in value (not to exceed \$200/month or last for more than 3 months);
- The incentives are only be introduced as clinically indicated and as part of an established treatment plan;
- The treatment plans are certified to be "medically necessary" and appropriate;
- The incentives are not advertised and are not offered to all participants.

To view the entire OIG Advisory Opinion No. 08-14, please visit:  
<http://oig.hhs.gov/fraud/docs/advisoryopinions/2008/AdvOpn08-14.pdf>