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June 8, 2018

Dear Senator/Assembly Member:

Friends of Recovery – New York (FOR-NY) strongly supports S.6544/A.7689, legislation that would deter patient brokering in New York State. This legislation would amend the Mental Hygiene Law by making it a misdemeanor for any provider to solicit, receive, accept or agree to receive or accept any payment for the referral of a person as a potential patient for substance use disorder services.

According to the Center for Disease Control, 174 people are dying in the U.S. each day due to opioid overdose. In New York State, the death toll increased by 61% from 2014 to 2016 and the death toll is rising.

Simultaneously, as this public health emergency continues, vulnerable individuals are being preyed upon while they are in the throes of addiction and their families, desperate for help. Recent reports indicate that individuals known as “patient brokers” are exploiting individuals seeking treatment for their opioid addiction as a commodity, rather than helping them receive legitimate treatment and ultimately achieve recovery.¹ Marketers generally have little or no clinical knowledge and are motivated by profit rather than clinical decisions to place patients in a treatment facility that meets their needs. The treatment facilities or sober living facilities that patients are being referred to often lack proper regulatory oversight. Tragically, because these individuals aren’t receiving appropriate treatment and recovery support services, they are overdosing and dying.

In 2018, Governor Andrew Cuomo with the NYS OASAS developed a campaign warning New Yorkers about the fraudulent practice of patient brokering and urging that these brokers be reported.

This legislation would help to further deter the practice of patient brokering in NYS thereby creating a safer environments for individuals and families seeking help.

Friends of Recovery – New York strongly supports this piece of legislation.

Sincerely,

Stephanie Campbell, FOR-NY Executive Director

¹ U.S. HOUSE OF REPRESENTATIVES COMMITTEE ON ENERGY AND COMMERCE; Background Memo; Hearing entitled “Examining Concerns of Patient Brokering and Addiction Treatment Fraud.” December 8, 2017.
<http://docs.house.gov/meetings/IF/IF02/20171212/106716/HHRG-115-IF02-20171212-SD002.pdf>