



**ASAM** American Society of  
Addiction Medicine

## **Public Policy Statement on Ethical Promotion and Patient Recruitment by Addiction Treatment Programs**

### **Background**

As addiction treatment has evolved, different models of treatment have been created. The evolution of treatment models has not guaranteed access to evidence-based care. Insurance coverage has expanded, and more people can now find treatment in many different forms and settings. Entrepreneurs have entered the field and profit-driven treatment models are becoming more common. For the purposes of this policy statement, an addiction treatment program is defined as an entity that claims to provide evaluation, treatment, or referral for substance-related and other addictive disorders. Treatment programs may be free standing or part of a larger healthcare organization. Among the benefits of an effective treatment program is the delivery of multidisciplinary services in a coordinated manner. In general, private, profit-driven treatment programs are subject to less regulation and oversight than publicly funded programs.

As the number and type of treatment programs have proliferated, marketing efforts to attract patients have become increasingly competitive and sophisticated. While ASAM believes that most addiction treatment programs engage in ethical marketing practices, false advertising, misleading internet search engine results and websites, and deceptive representation of services offered have been well described in investigative reporting<sup>1,2,3</sup> and government hearings<sup>4</sup>. Payment for referrals and financial incentives for patients offered by programs are unethical and have led to lawsuits and criminal charges being filed. In addition, patients are sometimes given misleading information on the extent to which insurance will cover services. This is particularly unethical in the case for billing for uncovered services which have little or no evidence of effectiveness (e.g., unnecessary brain scans or nutritional supplements). These circumstances contribute to a public perception of a system rife with abuse, may make patients less inclined to engage in what could be life-saving treatment, and subject ethical, evidence-based treatment programs to unfair suspicion.

ASAM recognizes that individuals with addiction as well as their families and others who assist them to access treatment are vulnerable and at high risk for exploitation, particularly at times of crisis when treatment is sought. As such, treatment programs should be held to the highest standard of ethical practice in the marketing of their services and recruitment of patients.

## Recommendations

The American Society of Addiction Medicine recommends that addiction treatment programs should adhere to the following standards related to the marketing of their services and recruiting of patients:

- 1) Accurately represent their ability to provide specific services and accurately identify services that are not supported by scientific evidence.
- 2) Clearly communicate the treatment program's status with respect to licensing, certification, and compliance with regulatory requirements.
- 3) Accurately represent the competence, education, credentialing, and licensure of the program personnel.
- 4) Advocate for ethical guidelines and federal and state legislation to prohibit patient brokering and payment for referrals, and other inducements for patient recruitment.
- 5) Avoid marketing strategies that rely on disparaging claims made against differing treatment models or against other addiction treatment programs.
- 6) Respect patient privacy and not exploit this vulnerable population in marketing efforts. The practice of using patient testimonials in marketing merits particular examination. In most cases, such testimonials serve the needs of the treatment program rather than the patient.
- 7) Include scientific evidence to support claims about the success and efficacy of the treatment services they provide in marketing materials.
- 8) Provide accurate estimates about the cost and extent of insurance coverage for treatment and for specific services.
- 9) Distinguish educational programs from marketing programs.
- 10) The use of social media and search engine optimization in marketing and program promotion should not be deceptive or violate any of the other ethical standards set forth in this Policy.
- 11) Eliminate the use of multiple feeder web sites and informational web sites that do not identify the company or center as the origin of information provided.
- 12) Establish collaborations with ASAM, the National Association of Addiction Treatment Providers (NAATP), consumer groups, Single State Agencies, the Substance Abuse and Mental Health Services Administration (SAMHSA), and other stakeholders to develop appropriate legislative measures and evaluation tools to ensure that all consumers have adequate access to accurate information and appropriate care.

Additionally, ASAM recommends that:

- 1) State and federal governments develop and make available materials for consumers to detect potential fraudulent marketing and patient recruiting practices.
- 2) The Substance Abuse and Mental Health Services Administration (SAMHSA) should maintain its Evidence-Based Practices Resource Center as a dynamic tool to help addiction treatment stakeholders identify which treatment approaches are evidence-based.<sup>a</sup>
- 3) Individual clinicians providing evaluation, treatment, or referral for treatment of substance-related and other addictive disorders should be held to the same standards for ethical promotion and patient recruitment as are treatment programs.

*Adopted by the ASAM Board of Directors 5/25/18*

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<sup>1</sup> Walser A. "\$7 Million jury verdict against American Addiction Centers rehab." ABC Action News. February 6, 2018. Available at: <http://amp.abcactionnews.com/2488452864/7-million-jury-verdict-against-american-addiction-centers-rehab.html>

<sup>2</sup> Allen E and Armstrong D. "Behind the luxury: Turmoil and shoddy care inside five-star addiction treatment centers." The Boston Globe. August 25, 2017. Available at: <https://www.bostonglobe.com/news/nation/2017/08/25/behind-luxury-turmoil-and-shoddy-care-inside-five-star-addiction-treatment-centers/HzNBLyMCljSkaKyUZgfSN/story.html>

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<sup>a</sup> The Evidence-Based Practices Resource Center can be found at <https://www.samhsa.gov/ebp-resource-center>

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<sup>3</sup> Osher C. "Police found fraud, sex crimes in a Colorado sober-living home empire. The state doesn't regulate the industry." The Denver Post. March 11, 2018. Available at: <https://www.denverpost.com/2018/03/11/colorado-sober-living-homes-opioid-crisis-christopher-bathum/>

<sup>4</sup> *Examining Concerns of Patient Brokering and Addiction Treatment Fraud*, House Energy and Commerce Committee Oversight and Investigations Subcommittee, 115<sup>th</sup> Cong. December 12, 2017.