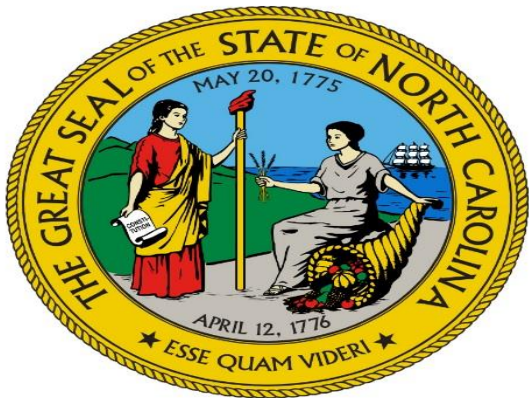


Medicaid's Requirement for Tobacco-Free Policies



Anna Stein, JD, MPH, Agency Legal Consultant
Chronic Disease and Injury Section
NC Division of Public Health

Jim Martin, MA, Director of Policy and Programs
Tobacco Prevention and Control Branch
NC Division of Public Health

Kim Bayha, CTTS, Tobacco Prevention & Control Supervisor
Office of Chronic Disease Policy & Prevention
Population Health, Mecklenburg County Government

Health Directors' Legal Conference - April 20, 2023

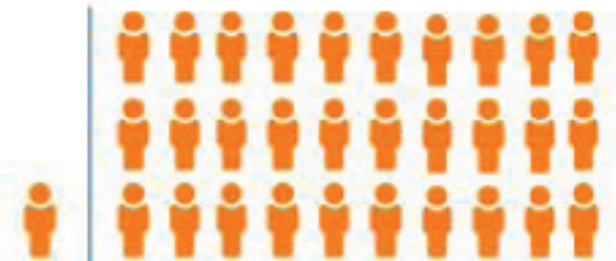
The Burden of Tobacco Use and Secondhand Smoke Exposure in NC

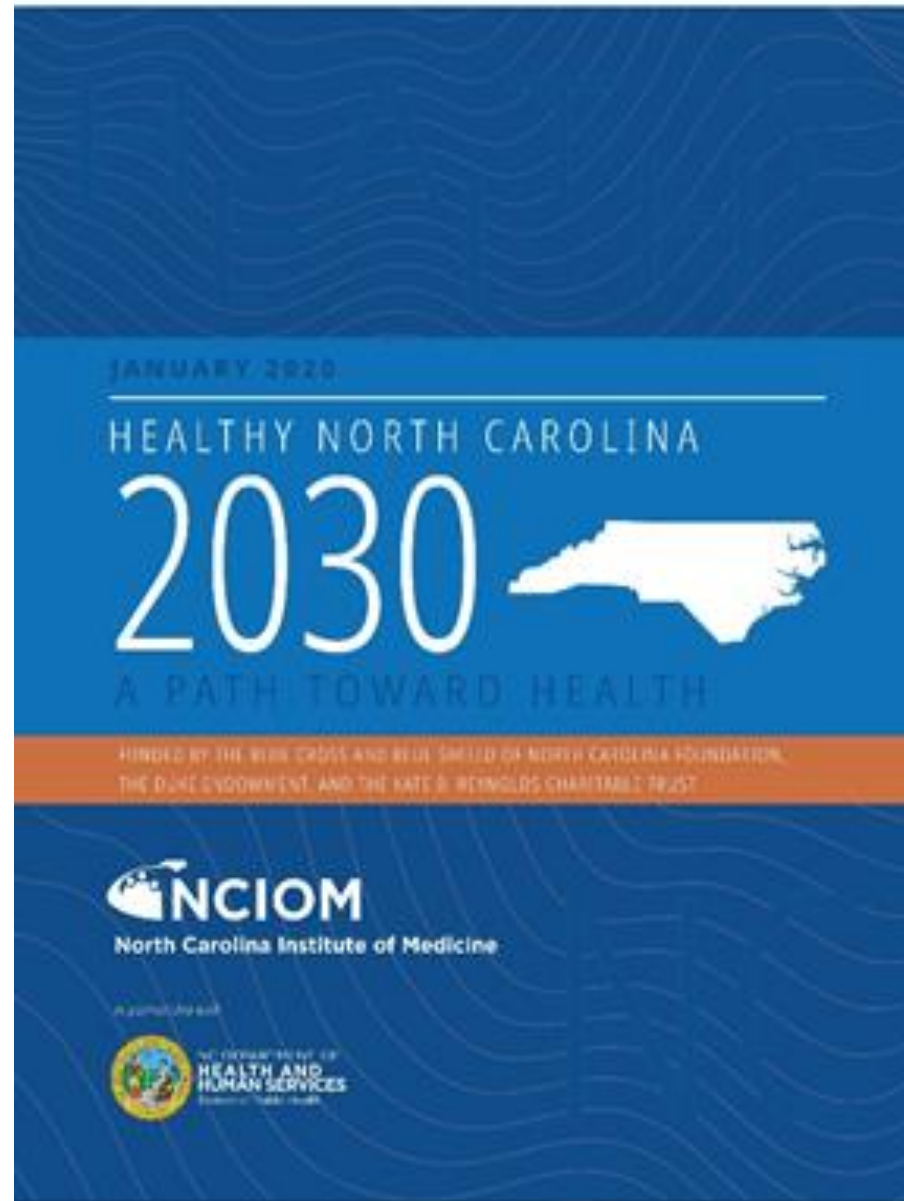
Tobacco use is the #1 cause of preventable death in North Carolina (and the U.S.)

Smoking causes more deaths each year than these causes combined:



For every death,
30
sick or disabled



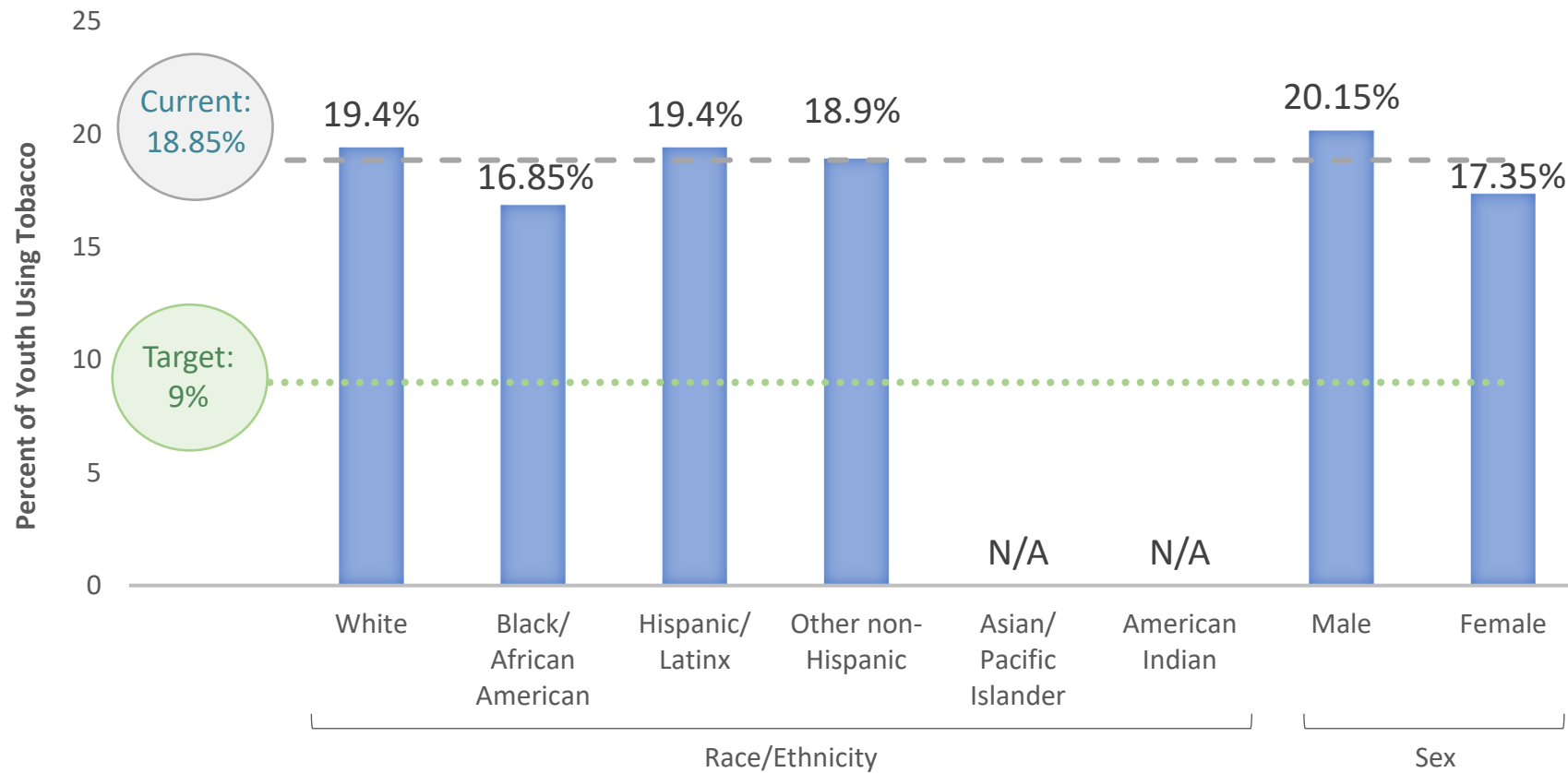


<https://nciom.org/healthy-north-carolina-2030/>

Healthy North Carolina 2030 Tobacco Baseline and Target

YOUTH TOBACCO USE

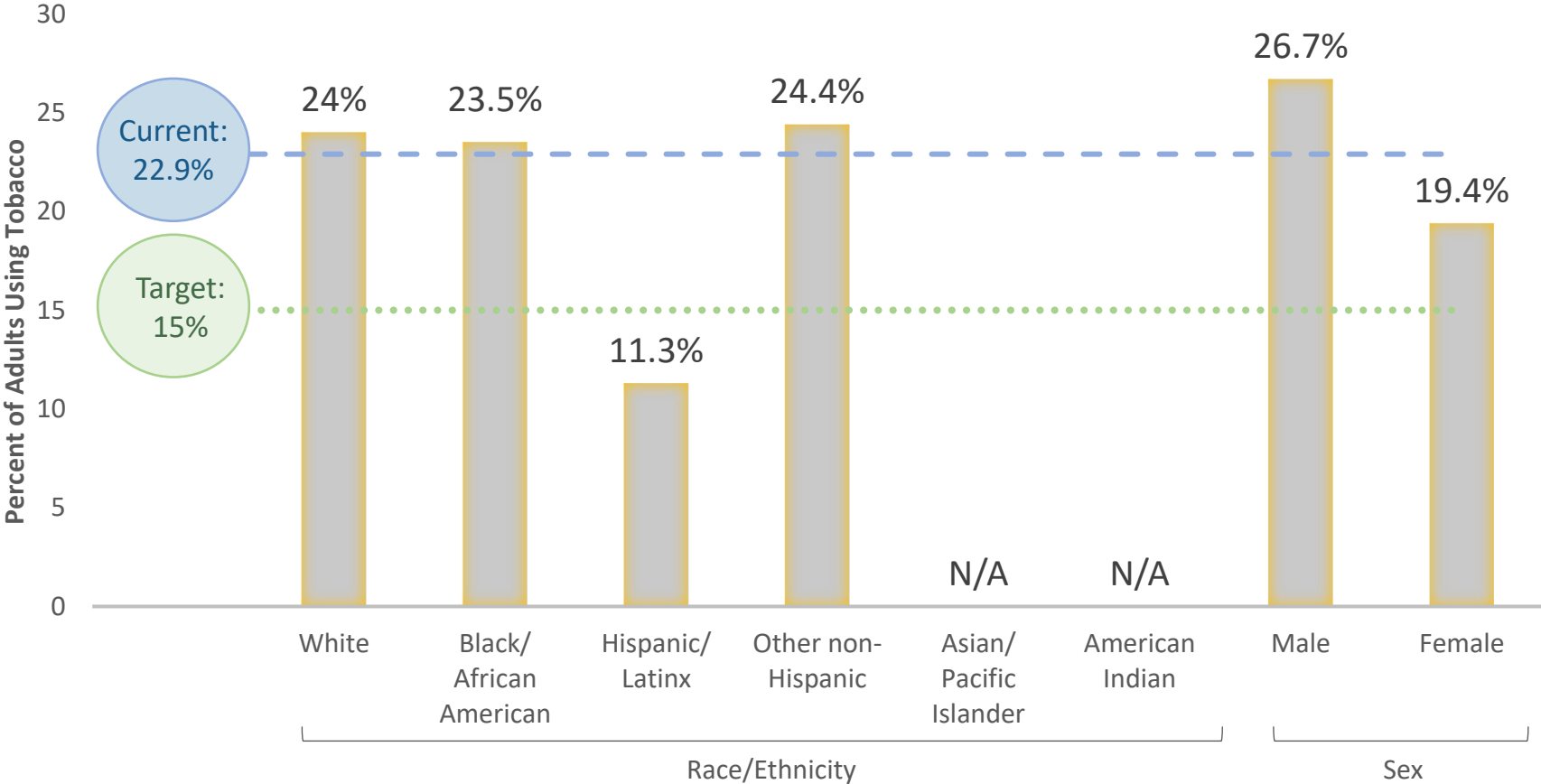
CURRENT USE OF ANY TOBACCO PRODUCT, NC YTS 2019



Healthy North Carolina 2030 Tobacco Baseline and Target

ADULT TOBACCO USE

USE OF AT LEAST ONE TOBACCO PRODUCT, NC BRFSS 2019



DISPARITIES IN CURRENT SMOKING AMONG ADULTS



GED
36.8%



Serious Psychological Distress
35.2%



No Health Insurance
24.7%



Medicaid
24.5%



American Indian/
Alaska Native
24.0%



Lesbian, Gay &
Bisexual
20.3%



Behavioral Health Condition
63.3% Abuse of illicit drugs (not marijuana)
51.3% Abuse of marijuana
53.0% Bipolar disorder



Chronic Disease
35.2% Emphysema
29.7% Chronic bronchitis



Geographic Location
16.9% Midwest
15.5% South



Pregnant Women
25.1% West Virginia
16.7% Am. Indian/Alaska Native
12.2% HS diploma or GED
10.7% 20-24 age group



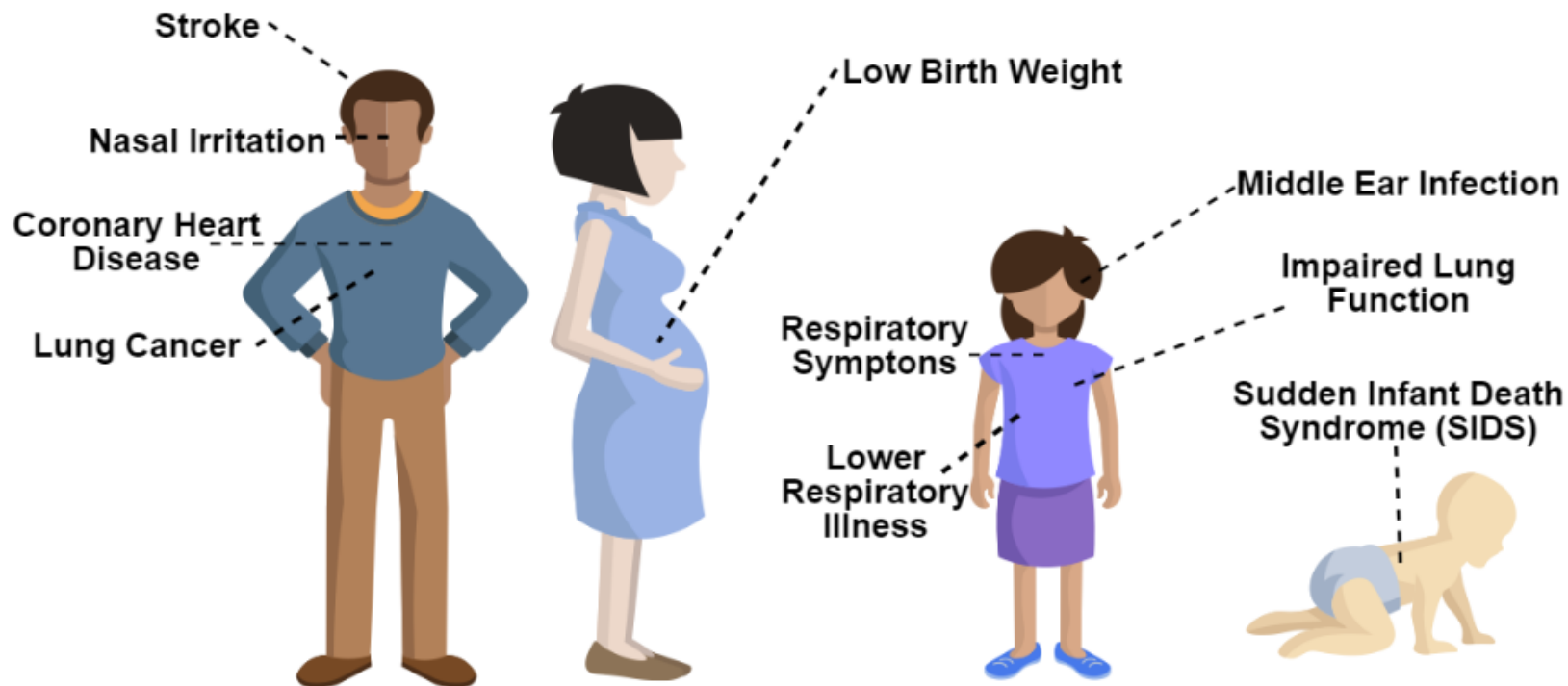
Active Duty Service Members
28.0% Deployed
13.9% Service members overall

Source: CDC Office on Smoking and Health. Shared with permission 2018-19.

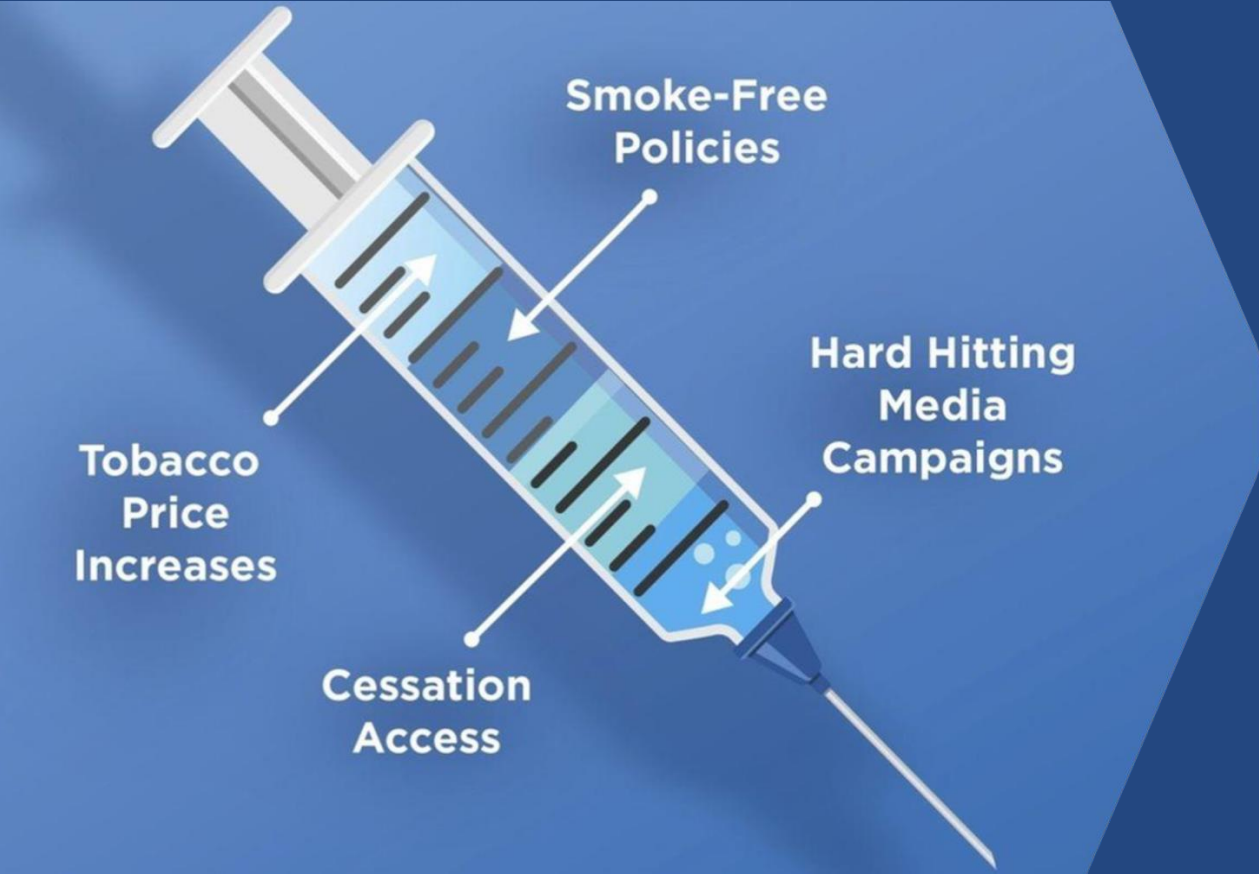
Health Impacts of Secondhand Smoke

There is No Safe Level of Secondhand Smoke Exposure

Health Impacts of Secondhand Smoke



CDC's Tobacco Control "Vaccine"



Vaccine Booster



Availability



Pricing and Promotion



Advertising and Display bans

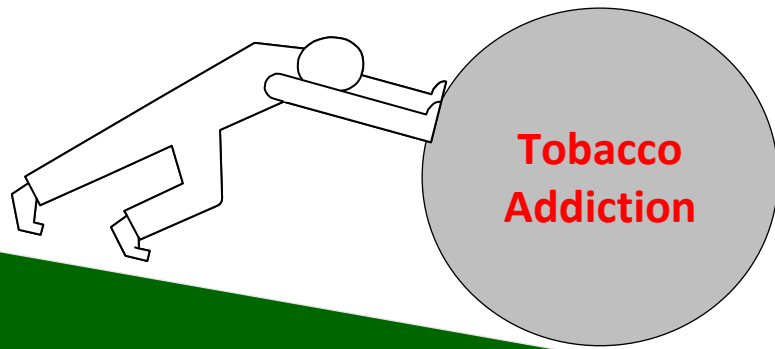


Age of Sale



Retail Licensure

Strategies Known to Reduce Burden of Tobacco Use



- Tobacco more expensive and less accessible
- Tobacco-free/Smoke-free policies
- Easy access to help
- Counter-marketing and promotion restrictions
- Cigarettes made less addictive
- New products regulated

Progress in Tobacco-free Environments in North Carolina

Hospitals

All 127 acute care hospitals in North Carolina have 100% tobacco-free campus wide policies.

- Tobacco-Free community hospital behavioral health units means more consumers treated in tobacco-free environments



Free Clipart on Clipart Library.com

State Operated Healthcare Facilities

All 14 State Operated Mental Health, Developmental , Alcohol and Drug Abuse Treatment Centers are 100% tobacco-free campus-wide

Prisons

State law prohibits any person from using tobacco products inside or on the grounds of a state correctional facility. There may be an exception for authorized religious purposes.



"Prison corridor with cells inside Alcatraz main building San Francisco California" by Tim Pearce, Los Gatos is licensed under CC BY 2.0

UNC University System

State law authorizes the 16 campuses of the UNC system to prohibit smoking on their grounds--within 100 linear feet of a building:

- UNC and ECU Medical Care Facilities authorized to prohibit smoking on all grounds.



Clipartlibrary.com

Community Colleges and Private/Independent Colleges

Community colleges and private/independent colleges and universities may prohibit smoking and all tobacco product use in their buildings and on their grounds.

Public Schools K-12

State law requires local boards of education to adopt policies prohibiting the use of tobacco at all times.



Clipart Library.com

Child Care Centers

All childcare centers prohibit smoking and all tobacco product use on their grounds.

BreatheEasyNC

Becoming Tobacco Free

A statewide effort to support people with behavioral health conditions, intellectual or developmental disabilities (IDD), and traumatic brain injuries (TBI) in becoming tobacco free, by working with service providers to **integrate tobacco use treatment** and **take campuses tobacco free**.

NC Medicaid Tobacco-Free Requirement

- Nearly all physical and behavioral health care providers will be required to provide a **100% tobacco-free** treatment environment, effective April 1, 2024
- Policy language can be found in LME/MCO Joint Communication Bulletin #J448

Who does the tobacco-free requirement apply to?

- Medical, behavioral health, intellectual/developmental disability (I/DD), and traumatic brain injury (TBI) service providers contracted with:
 - Standard Plans
 - Tailored Plans
 - Prepaid Inpatient Health Plans (PHIPs)
 - Applies to both Medicaid and State-funded service providers
-

What is the tobacco-free policy requirement?

- A prohibition on smoking combustible tobacco products and use of non-combustible tobacco products (such as electronic, heated, and smokeless tobacco products, and nicotine products not approved by the FDA as tobacco use treatment medications) covering any portion of the property on which the provider operates that is under its control as owner or lessee, including buildings, grounds, and vehicles
- A prohibition on accepting tobacco products as donations or purchasing them for or distributing them to individuals the provider serves

The tobacco-free requirement does NOT apply to:

- Retail pharmacies
- Properties where no direct clinical services are provided
- Non-emergency medical transport
- Alternative family living settings
- Manufacturing sites that employ people who receive adult developmental vocational program/group day services

Partial tobacco-free policy requirements apply to:

- Intermediate care facilities for adults with intellectual disabilities (ICF-IID) and State-funded equivalent services
 - Adult I/DD residential services subject to the Home and Community-Based Services (HCBS) Final Rule and State-funded equivalent services
 - State-funded adult mental health residential settings
-

What are the partial tobacco-free policy requirements?

- Provider must prohibit the use of tobacco products indoors when the building or home in which the provider operates is under the provider's control as owner or lessee
- Regarding outdoor areas under the provider's control as owner or lessee:
 - Provider must ensure access to common outdoor space(s) on the property free from exposure to tobacco use
 - Provider must prohibit staff/employees from using tobacco products anywhere on the property

When are tobacco-free policies required to be in place and how will they be monitored?

- Policies must be in place by April 1, 2024
- Monitoring will occur through a grievance/complaint process
- Grievances/complaints will be routed to the Tobacco Prevention and Control Branch of the NC Division of Public Health for follow-up technical assistance provided by local tobacco control managers
- Local tobacco control managers can advise re: policy requirements, best practices for implementation, and evidence-based tobacco treatment

Compassionate Policy Implementation

- Providers are expected to take a trauma-informed, evidence-based (vs. punitive) approach toward addressing instances of tobacco use on their campuses
- Providers should respond with compassion and collaborate with clients to find ways that work for them to adhere to the tobacco-free policy while on campus
- Providers should assess a client's need for tobacco use treatment and assure that it is provided
- Providers have the responsibility to offer clients the tools they need to be successful in policy compliance

Passing Tobacco-Free Policies: A County Perspective

- Counties may pass such policies through ordinances, board of health rules, or administrative policies
- Board of health rules banning smoking require approval of the board of commissioners by ordinance [GS 130A-498(a)]
- An administrative policy (one not passed by the board of health but put in place by an administrator) does not require formal approval by the board of commissioners
- When passing an ordinance, rule, or policy under GS 130A-498, a local government may not restrict smoking in “private vehicles”
- We do not have caselaw interpreting whether or not a local government can restrict smoking in private vehicles that are sitting on governments grounds

How to Deal with Tobacco Use in Private Vehicles

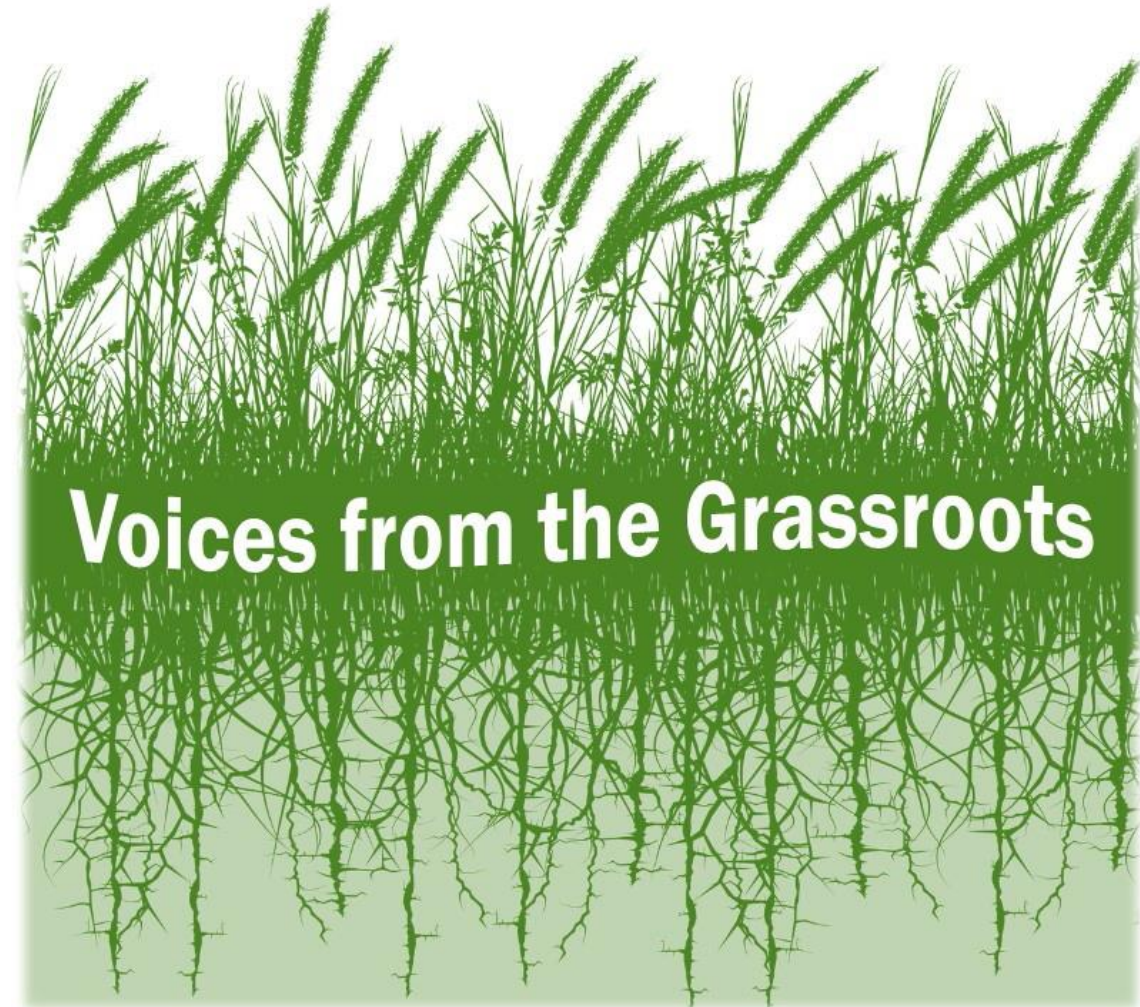
- A county may choose not to restrict smoking in private vehicles on health department grounds and still be in compliance with Medicaid policy
 - The policy need not specify that smoking is allowed in private vehicles on health department grounds, and the better course of action is not to specify it
 - Signage should not say tobacco use is allowed in private vehicles
 - These actions set a negative pro-smoking norm and are not necessary to comply with law (a policy that omits mention of private vehicles complies with law)
 - A county may restrict and best practice is to restrict employees' tobacco use in private vehicles on the employer's grounds [the ability to control employee behavior during work hours and on employer property falls under basic employment law, not GS 130A-498]

How to Determine What Area Must Be Covered

- Any portion of the property on which the provider operates that is under its control as owner or lessee, including buildings, grounds, and vehicles
- Example: if a provider leases space in a privately owned strip mall or building, the provider controls the space it leases (which may include only an indoor office space), but the provider does not have control over common areas that are also used by other tenants
- Example: if a provider owns or leases an entire building and there are grounds and a parking lot for use by the building's owner or lessee, all of these spaces would be under the provider's control
- Guiding star: preventing people who are receiving services from having to observe people using tobacco

Stories from the Field

- **Transitioning to a Tobacco-Free Campus
Roadmap for Success
Professional Peer to Peer Engagement
Environmental Supports**
- **Resources are Available!**



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MECKLENBURG COUNTY
North Carolina
Public Health

Kim Bayha, Tobacco Prevention & Control Supervisor

NC Health Departments

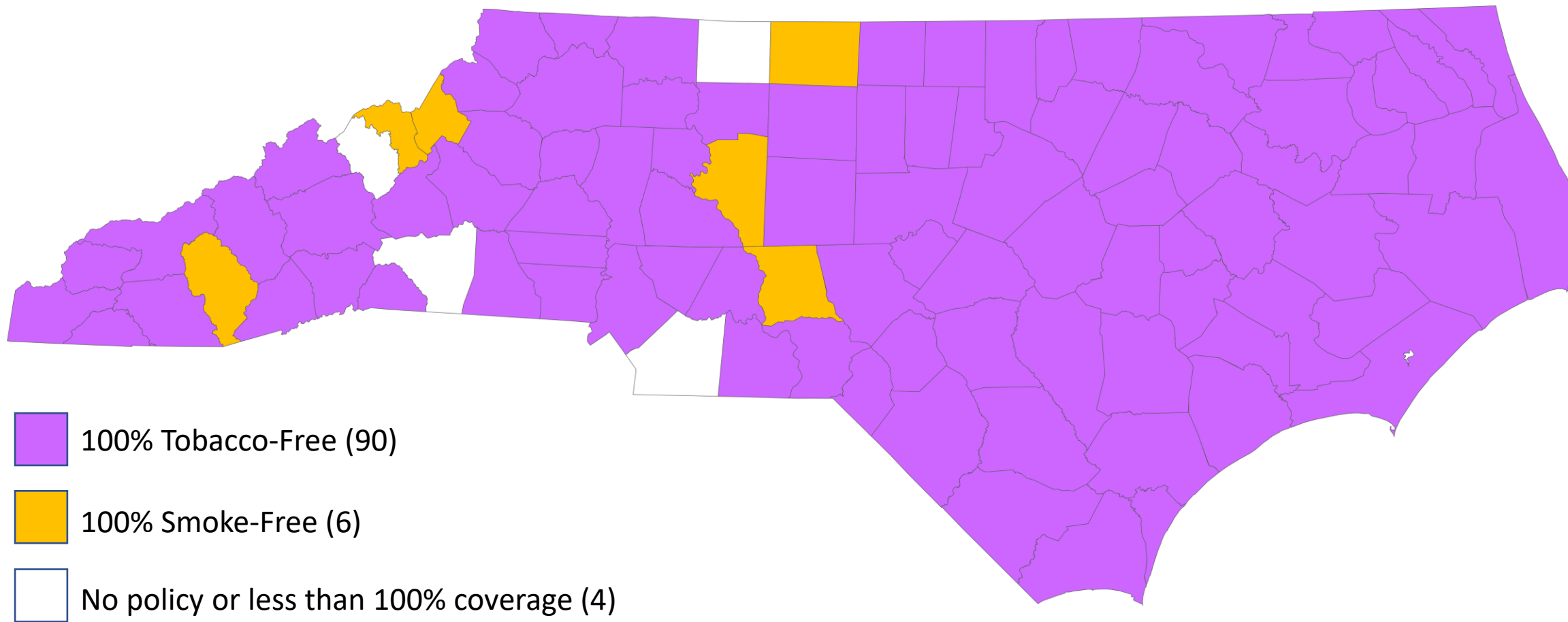
90 out of 100 counties already have a Tobacco-Free Health Department Campus Policy (includes buildings, vehicles & grounds*)

* 19 have a 50 Ft. Perimeter

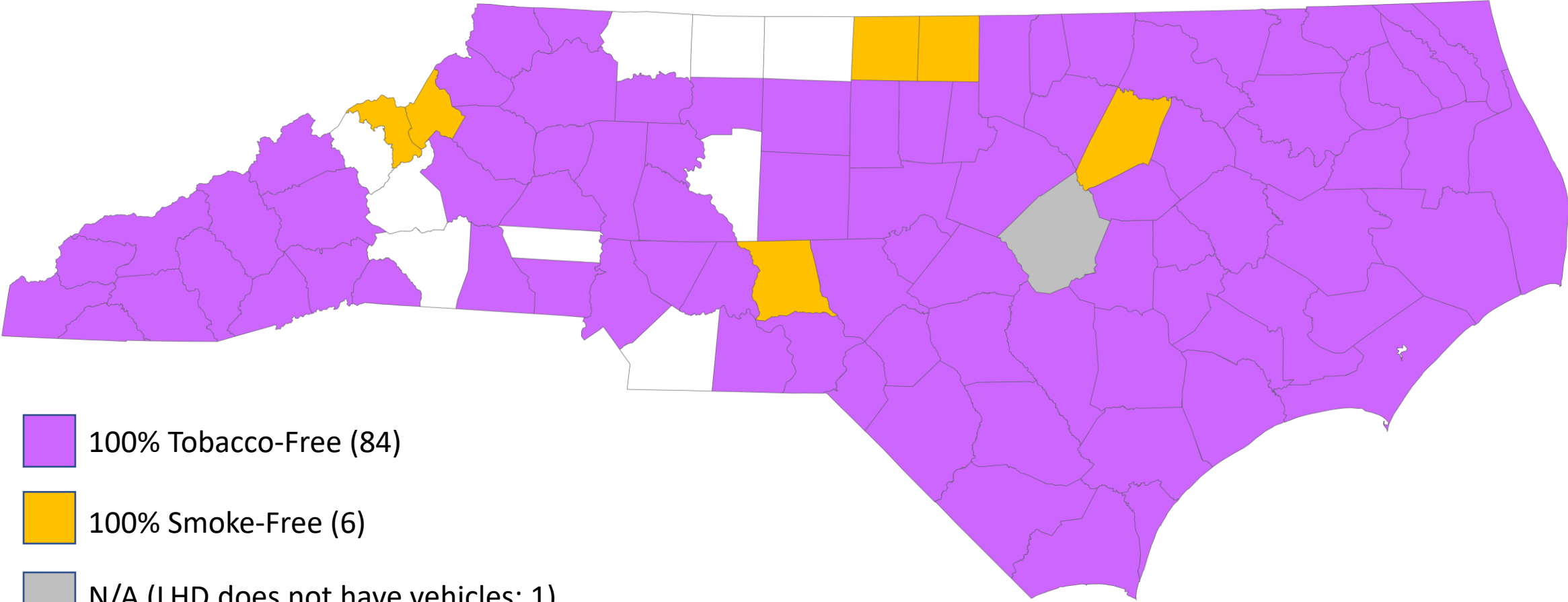
- Administrative Policy
- County Ordinance
- Board of Health Rule







NC Local Health Department Smoke-Free/Tobacco-Free Buildings Policies

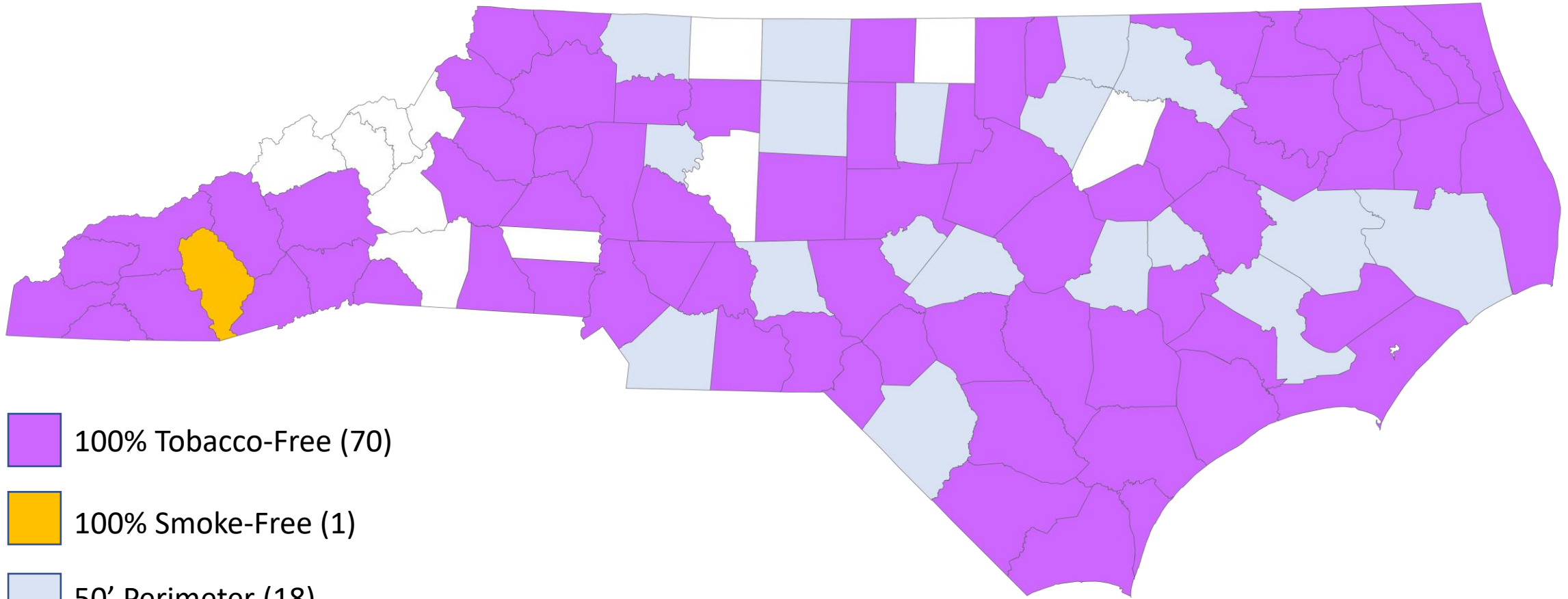






NC Local Health Department Smoke-Free/Tobacco-Free Vehicles Policies



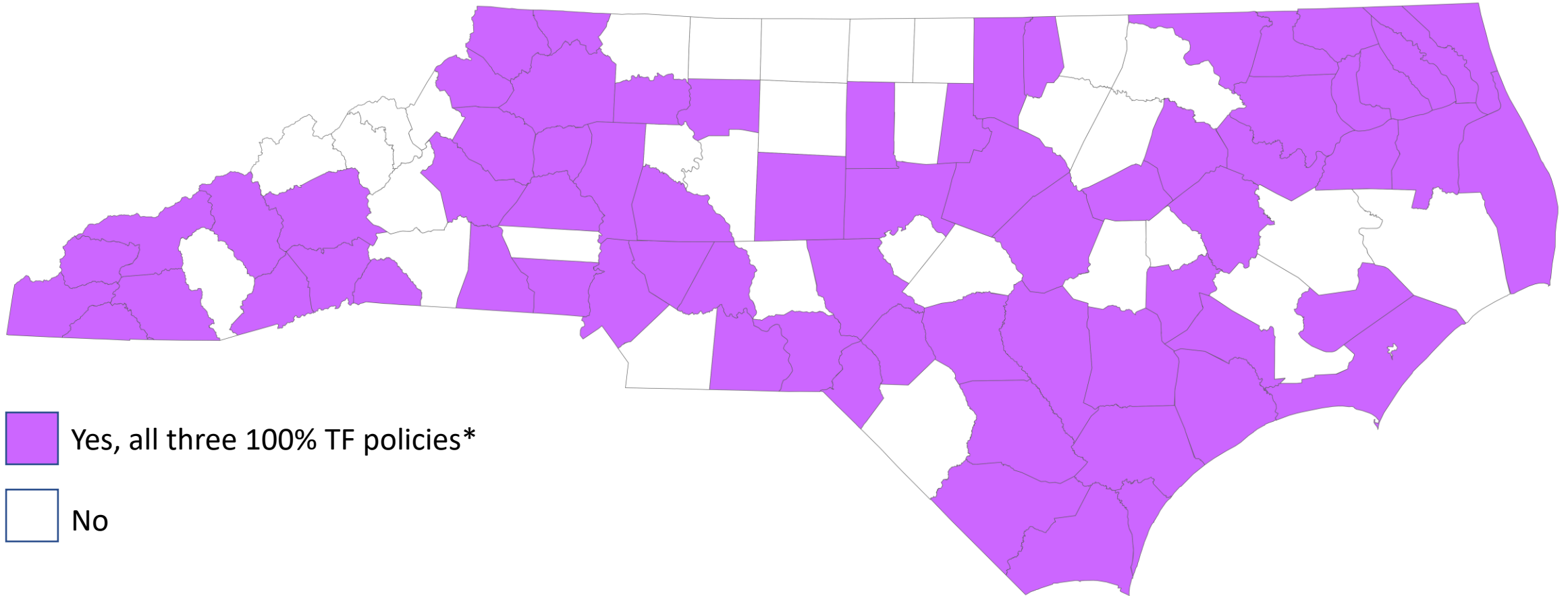
-  100% Tobacco-Free (84)
-  100% Smoke-Free (6)
-  N/A (LHD does not have vehicles: 1)
-  No policy or less than 100% coverage (9)

NC Local Health Department Smoke-Free/Tobacco-Free Grounds Policies



-  100% Tobacco-Free (70)
-  100% Smoke-Free (1)
-  50' Perimeter (18)
-  No policy or less than 100% coverage (11)

NC Local Health Departments with 100% TF Buildings, Vehicles, and Grounds



*Includes Johnston County, as TF vehicle policy does not apply. Does not include LHDs with 50' perimeter policies for grounds



FOR ORGANIZATIONS ▾

FOR INDIVIDUALS ▾

BreatheEasyNC

Becoming Tobacco Free

An initiative to support North Carolinians with behavioral health conditions, intellectual or developmental disabilities, and traumatic brain injuries in becoming tobacco* free through working with service providers.

What happens when a North Carolina service provider goes tobacco free?

Or when a person with a behavioral health condition quits smoking?

Change for Life: Tobacco-Free Recov... Watch later Share

Watch on YouTube

TOBACCO-FREE RECOVERY
CHANGE FOR life

CDC: Tips From Former Smokers - R... Watch later Share

From a national health authority

Watch on YouTube

A TIP FROM A FORMER SMOKER

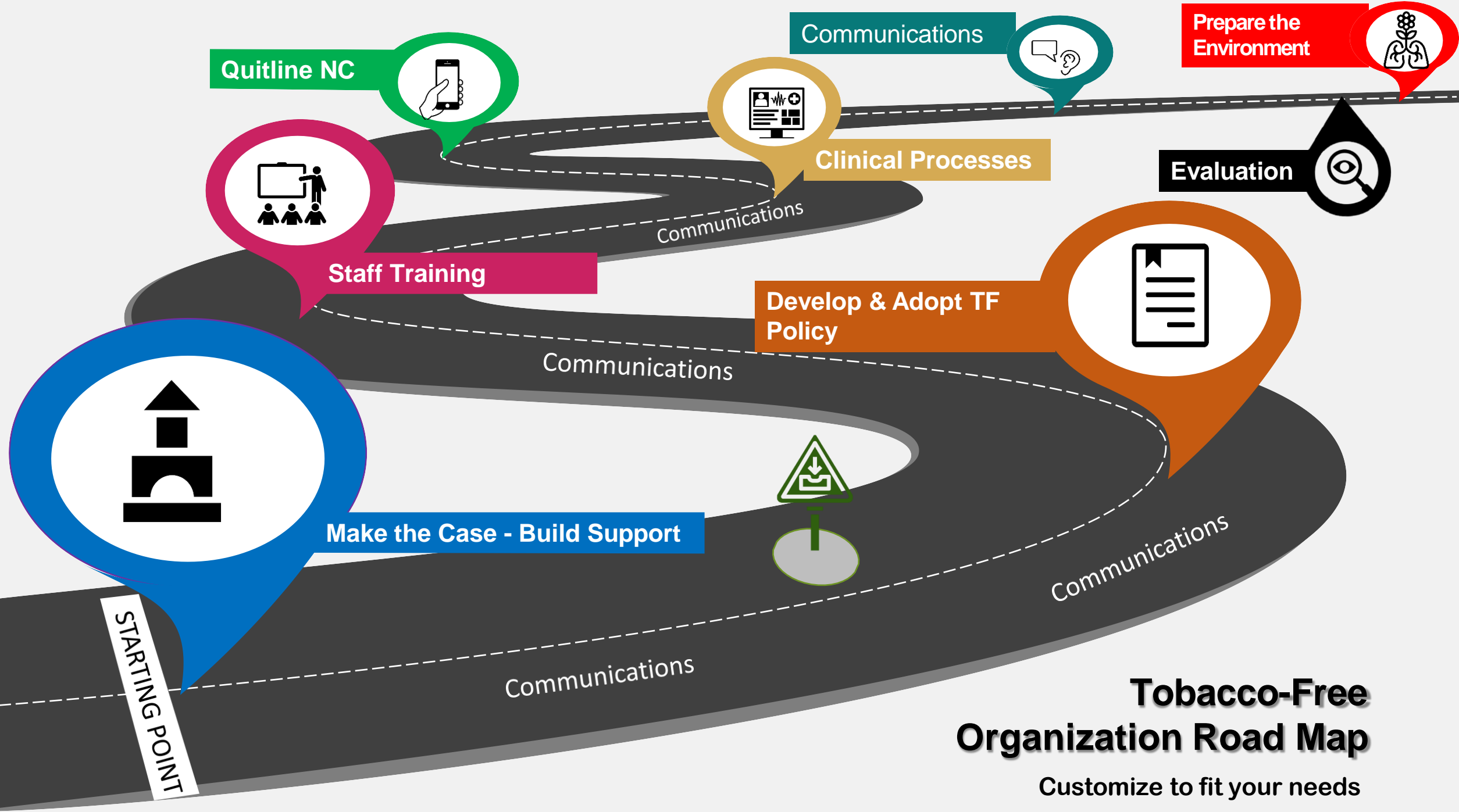
Change for Life: ***Tobacco-Free Recovery Coalition***



Convene behavioral health providers in a peer-to-peer engagement network to provide support for:

- Adopting and implementing tobacco-free campus policies
- Integrating best practice tobacco treatment into services
- Utilizing motivational messaging with a whole-person care approach to support a tobacco-free culture of care

Launched in Health Region 4 in 2019 with plans to expand statewide in FY24



Tobacco-Free Organization Road Map

Customize to fit your needs

**Collective
Impact –
Change for Life:
Tobacco-Free
Recovery
Coalition**

Health Region 4

From January 2020 – February 2023



40 Behavioral Health and Ally Agencies Engaged



60 + Coalition Participants – table open to all,
with average of 30 at monthly meetings



2,000 + Behavioral Health Professionals Trained
in the state



13 - Agency-wide Tobacco-Free Policies adopted
by community-based Behavioral Health agencies



95,275 - Clients/Staff Impacted by Policy

Environmental Supports – Samples from Behavioral Health Agencies

Tobacco-Free policy cards and other visuals to reinforce the policy and motivational messaging

WELCOME TO OUR TOBACCO-FREE CAMPUS

*For your health, tobacco use, including electronic cigarettes, will not be allowed anywhere on McLeod Center property, effective **January 1, 2021**.*

**THANK YOU FOR YOUR
COOPERATION AND SUPPORT!**

TOBACCO-FREE RECOVERY
**CHANGE
FOR** *life*

*Becoming a tobacco-free campus is part of our work to support recovery and whole person care. Our team is here to help you with nicotine dependence treatment, or you can call **1-800-Quit-Now (1-800-784-8669)** or visit **QuitLineNC.com** for support, including free quit counseling and medications.*

QUITTING IS A JOURNEY.
HOPE • HEAL • CHANGE FOR LIFE



McLeod Centers for Well Being



Charlotte Rescue Mission – Rebound Program



Window / Door Decals



TOBACCO-FREE RECOVERY

CHANGE FOR *life*

Together,
we can
do this!



Change For Life: Tobacco Free Recovery Coalition is an initiative of Region 4 Tobacco-Free Alliance in partnership with Mecklenburg County Public Health and community partners.

TOBACCO-FREE RECOVERY

CHANGE FOR *life*

The people we
love
are worth
QUITTING
for.

QUITTING IS A JOURNEY.
HOPE • HEAL • CHANGE FOR LIFE



Change For Life: Tobacco Free Recovery Coalition is an initiative of Region 4 Tobacco-Free Alliance in partnership with Mecklenburg County Public Health and community partners.

TOBACCO-FREE RECOVERY

CHANGE FOR *life*

LET'S DO THIS!

QUITTING IS A JOURNEY.
HOPE • HEAL • CHANGE FOR LIFE



HOPE HAVEN

Change For Life: Tobacco Free Recovery is an initiative of Mecklenburg County Public Health in partnership with Hope Haven and other community partners.

Hope Haven Transformed Previous Smoking Area into a Fitness Area





Environmental Supports – Health Departments



McLEOD CENTERS
FOR WELLBEING

Breathe easy!

We're a tobacco-free campus!



TOBACCO-FREE RECOVERY
**CHANGE
FOR** *life*

QUITTING IS A JOURNEY.
HOPE • HEAL • CHANGE FOR LIFE

Cravings are *hard*.

Distractions *can help you* through them.

TOBACCO-FREE RECOVERY

**CHANGE
FOR** *life*



Gum



Lozenge



Patch

QUITTING IS A JOURNEY.
HOPE • HEAL • CHANGE FOR LIFE

**Ask Your Doctor or Counselor For
More Information**

Becoming Tobacco-Free Improves *Mental Health*

TOBACCO-FREE RECOVERY

**CHANGE
FOR** *life*

Ask Your Doctor or Counselor
For More Information

QUITTING IS A JOURNEY.

HOPE • HEAL • CHANGE FOR LIFE



**Want to quit tobacco use?
Call for free counseling and
tobacco quit medications.**

1-800-Quit-Now

Text READY to 34191



Call QuitlineNC

Get free tobacco cessation help 24/7 in several ways:

- 1-800-QUIT-NOW (1-800-784-8669);
- Español: 1-855-Déjelo-Ya (1-855-335-3569) o para más información haga clic [aquí](#);
- Interpretation services available for many languages;
- [Register online \(en español\)](#)
- TTY: 1-877-777-6543
- American Indian Quitline: Call 888-7AI-QUIT (888-724-7848)



Enroll Online

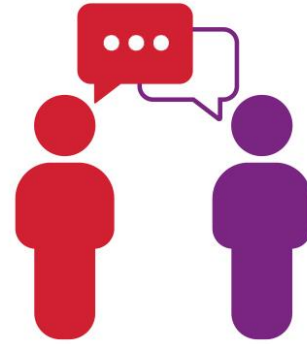
Once you register, you will have an online dashboard to help you track your quitting program. You will be able to interact with your quit coach using text, online chat or telephone.

[Register now \(en español\)](#)



Become a QuitlineNC Referral Site

- [Registration Form](#)
- [E-Referral Guide](#)
- [QuitlineNC E-Referral Portal](#)



QuitlineNC

**Text, talk or type.
Quit your way.**

People who have quit tobacco use with QuitlineNC have lots to say about our services and our people -- [praise for QuitlineNC](#).



[What You Need To Know About Quitting Smoking: Advice from the Surgeon General](#)

Provides an easy to read overview of the Surgeon General's report and its findings. Also provides an overview of smoking cessation resources.



Quitting Smoking is Beneficial at any Age.

Smoking Cessation: A Report of the Surgeon General

Change for Life: Tobacco-Free Recovery Coalition

Members Speak about Tobacco-Free Impact

Corey Richardson, *Integrated Health of Greater Hickory*

- "Going tobacco-free wasn't as hard as we thought it would be."
- "We anticipated an upheaval when we transitioned to tobacco-free. That did not happen! We started with talking about the benefits and kept talking about them. That was key."

Bradley Wallace, *Integrated Health of Greater Hickory*

- "Our transition to tobacco-free feels very different from other policies we've put into practice. This one had a mission that has truly been the intersection between policy and health."





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Trina Fullard -- *Charlotte Rescue Mission*

- "Going tobacco-free transforms the lives of those who walk through our doors seeking our help. A successful transition involves process change and development, sound policy, thoughtful delivery, messaging and adoption."

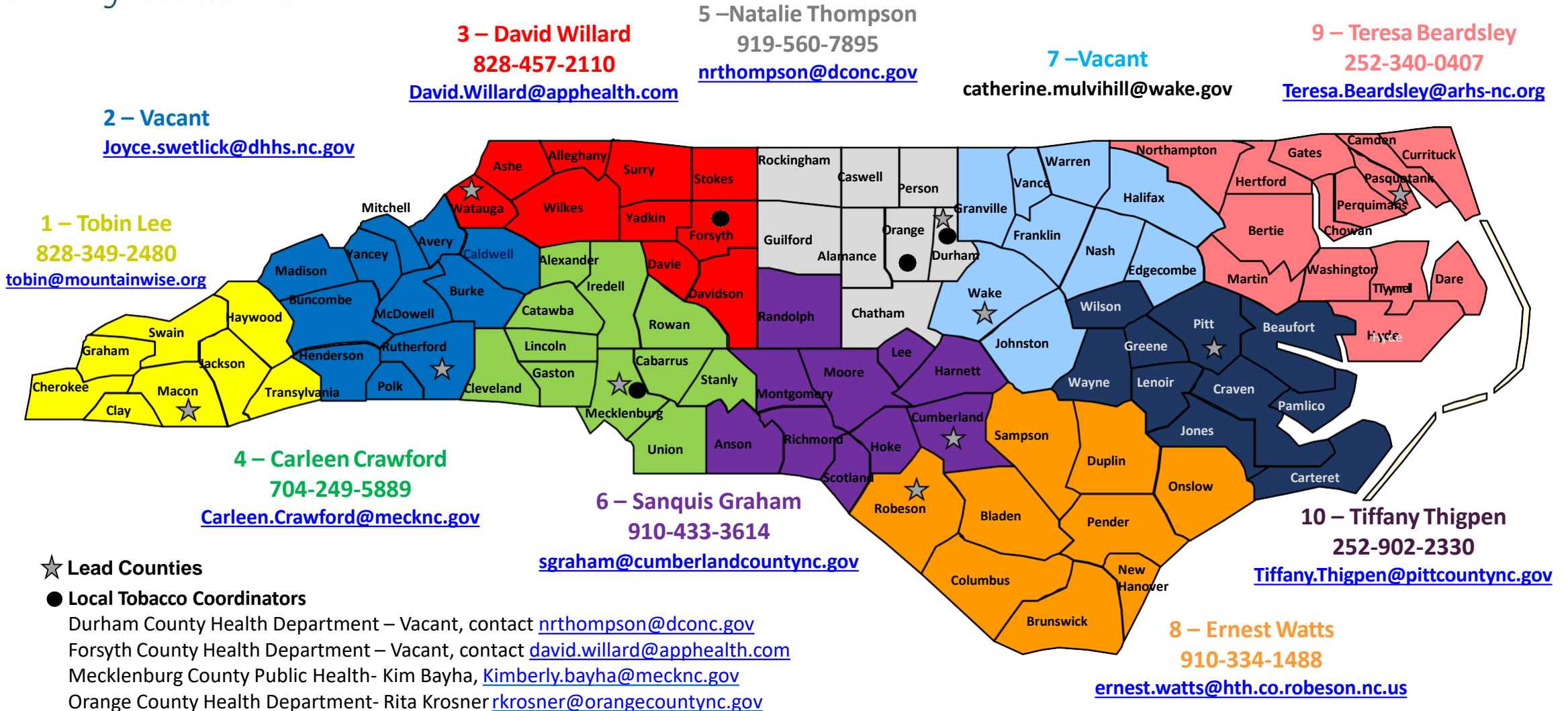
Mary Ward-- McLeod Centers for Well Being

- "In transitioning to tobacco-free, we recognized we had to focus on benefits and opportunity -- not acting negatively as in taking something away."
- "Agencies need help to make change happen. A tobacco-free policy can be an aid... a catalyst, and it can be positive and embraced as an amenity."
- "Going tobacco-free had an immediate positive impact on our physical environment."

BreatheEasyNC

Becoming Tobacco Free

Contact us! Your regional tobacco control manager is your resource for tobacco-free policies. We help you: build buy-in, train staff, integrate treatment & more.



Statewide Tobacco Use Treatment Integration:
Stephanie Gans, stephanie.gans@dhhs.nc.gov

American Indian Commercial Tobacco Coordinator
Lu McCraw, Luanna.McCraw@dhhs.nc.gov

Learn more at www.breatheasync.org