



May 22, 2017

Mount Sinai Performing Provider System
Nina Bastian
Associate Director of Operations
320 East 94th Street, 4th Floor
New York, New York 10128

Dear Ms. Bastian:

The New York State Department of Health (Department), the Office of Mental Health (OMH), the Office of Alcoholism and Substance Abuse Services (OASAS) are pleased to respond to the request for waivers from certain regulatory requirements submitted under the Delivery System Reform Incentive Payment (DSRIP) Program. This letter responds to the request submitted by the Mount Sinai Performing Provider System (PPS).

Pursuant to Public Health Law (PHL) 2807(20) (e) and (21) (e), and in connection with DSRIP Project Plans and projects under the Capital Restructuring Financing Program which are associated with DSRIP projects, the Department, OMH, OASAS and OPWDD may waive regulations for the purpose of allowing applicants to avoid duplication of requirements and to allow the efficient implementation of the proposed projects. However, the agencies may not waive regulations pertaining to patient safety nor waive regulations if such waiver would risk patient safety. Further, any waivers approved under this authority may not exceed the life of the project or such shorter time periods as the authorizing commissioner may determine.

Accordingly, any regulatory waivers approved herein are for projects and activities as described in the Project Plan application and any implementation activities reasonably associated therewith. Such regulatory waivers may no longer apply should there be any changes in the nature of a project. It is the responsibility of the PPS and the providers that have received waivers to notify the relevant agency when they become aware of any material change in the specified project that goes beyond the scope for which the waiver was granted. Further, any regulatory waivers approved are only for the duration of the projects for which they were requested.

The approval of regulatory waivers is contingent upon the satisfaction of certain conditions. In all cases, providers must be in good standing with the relevant agency or agencies. Other conditions may be applicable, as set forth in greater detail below. The failure to satisfy any such conditions may result in the withdrawal of the approval, meaning that the providers will be required to maintain compliance with the regulatory requirements at issue and could be subject to enforcement absent such compliance.

The specific request for regulatory waiver is addressed below.

1 Mount Sinai 10 NYCRR Part 404 and 14 NYCRR Parts 598 and 825, specifically, 598.3 applicability 3.a.ii

Background and justification provided in your request:

Argus Community's IOS application was denied IOS certification by OMH because the 14 NYCRR Part 598 only makes reference to having certification as a NYCRR part 599 Clinic Program. This PPS partner has two OMH Certifications in two separate programs as NYCRR Part 587

Continuing Day Treatment Programs. Part 587 CDTPs were excluded from 14 NYCRR Part 598 regulations as being an eligible clinic program. For successful long-term integration of primary care with behavioral health and long-term population health management, it is requested either a re-write of the regulation to allow for the inclusion of 14 NYCRR Part 587 programs or a waiver to allow IOS services using existing OASAS Part 822 and OMH Part 587 treatment programs. The re-write would read as follows: 10 NYCRR Part 404 and 14 NYCRR Parts 598 and 825. Specifically, § 598.3 § 825.3 § 404.3 Applicability (e) Integrated services providers of mental health services shall continue to ensure compliance with 14 NYCRR Part 587 or 599 clinic treatment programs.

Response to waiver request:

OMH – Denied. The PPS requested a waiver of 14 NYCRR Part 598 and Part 825, as well as 10 NYCRR Part 404, to allow Argus Community, Inc. to be able to “integrate” under the Integrated Outpatient Services (IOS) regulations. Argus Community Inc. has already applied and was approved for integration of services under DSRIP 3.a.i. threshold model. OMH does not see the need to approve this request, as it would be duplicative of 3.a.i. approval.

OASAS – Denied. For the reason cited by New York State Office of Mental Health.

In cases where waivers are approved, the agencies will send letters directed to the providers which otherwise would be responsible for complying with the regulatory provisions at issue. Providers further will be advised that agency staff who conduct surveillance activities will be notified that these regulatory waivers have been approved; however, they should maintain a copy of their waiver letters at any site subject to surveillance.

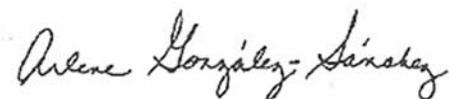
Please note that the Department of Health will continue to publish on its website a list of regulatory waivers that have been approved to assist PPSs in determining whether additional waivers may be appropriate for the activities within a PPS. Additional requests for waivers, as well as any questions regarding the foregoing, may be sent by email to DSRIP@health.ny.gov with Regulatory Waiver in the subject line.

Thank you for your cooperation with this initiative. We look forward to working with you to transform New York’s delivery system.

Sincerely,



Howard Zucker, M.D., J.D.
Commissioner
New York State Department of Health



Arlene González-Sánchez
Commissioner
New York State Office of Alcoholism
and Substance Abuse Services



Ann Marie T. Sullivan, M.D.
Commissioner
New York State Office of Mental Health