



**Department  
of Health**

**Office of  
Mental Health**

**Office of Alcoholism and  
Substance Abuse Services**

December 15, 2015

Samaritan Medical Center PPS  
Mr. Thomas Carmen  
Samaritan Medical Center  
830 Washington Street  
Watertown, New York 13601

Dear Mr. Carmen:

The New York State Department of Health (Department), the Office of Mental Health (OMH), and 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 Samaritan Medical Center, in its capacity as lead for the Samaritan 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, and OASAS 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 of 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 are 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.

Specific requests for regulatory waivers included in the Samaritan PPS Project Plan application are addressed below.

**1 Samaritan (River) 14 NYCRR 599 3.a.i Increase of Licensure Threshold for Mental Health Services.**

**Background and justification provided in your request:**

River Hospital seeks to take advantage of the DSRIP Project 3.a.i Licensure Threshold increase, which would waive portions of 14 NYCRR Part 599 regarding OHM licensing and procedures. River Hospital seeks to have the Licensure Threshold increased so that River Hospital may provide up to 49 percent of its total annual visits for mental health services without Article 31 licensure.

**Response to Waiver Request:**

**Integrated Services.** Approved solely with respect to 14 NYCRR 599.4(r) and (ab ), which will be waived contingent upon following the DSRIP Project 3.a.i Licensure Threshold Model, outlined in Appendix A to this letter. However, the Department, OMH and OASAS do not believe any additional waivers are needed if providers are integrating services under such a model. As noted in Appendix A, the use of this model is contingent upon, among other things: submission of an application by the PPS, with the identification all providers involved in such model; the verification of the good standing of such providers by the Department, OMH and OASAS, as appropriate; and satisfaction of the physical plant standards as delineated in Appendix A.

If a PPS later identifies the need for a waiver, a request can be made at that time.

**2 Samaritan (River) 14 NYCRR 810, 814-857 3.a.i. OASAS Licensure Threshold**

**Background and justification provided in your request:**

Implementation of OASAS Licensure Threshold under DSRIP Project 3.a.i allowing River Hospital to provide Substance Abuse Disorder Services under its current license. River Hospital seeks to take advantage of the DSRIP Project 3.a.i Licensure Threshold increase which would waive portions of 14 NYCRR Part 810 regarding OASAS licensing and ongoing operating procedures (including 14 NYCRR Parts 814 to 857 (if necessary)). River Hospital seeks to have the Licensure Threshold for Substance Abuse Disorder Services implemented so that River Hospital may provide up to 49 percent of its total annual visits for Substance Abuse Disorder Services without licensure by OASAS, and to operate a substance abuse disorder program under its current license.

**Response to Waiver Request:**

**Integrated Services.** Approved solely with respect to 14 NYCRR 599.4(r) and (ab ), which will be waived contingent upon following the DSRIP Project 3.a.i Licensure Threshold Model outlined in Appendix A to this letter. However, the Department, OMH and OASAS do not believe any additional waivers are needed if providers are integrating services under such a model. As noted in Appendix A, the use of this model is contingent upon, among other things:

submission of an application by the PPS, with the identification all providers involved in such model; the verification of the good standing of such providers by the Department, OMH and OASAS, as appropriate; and satisfaction of the physical plant standards as delineated in Appendix A.

If a PPS later identifies the need for a waiver, a request can be made at that time.

In cases where waivers are approved, the agencies will send letters directed to the providers, who otherwise would be responsible for complying with the regulatory provisions at issue. Further, providers 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 will 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 e-mail to [DSRIP@health.ny.gov](mailto: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 A. Zucker, M.D., J.D.  
Commissioner  
New York State Department of Health



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



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