



Department
of Health

Office of
Mental Health

Office of Alcoholism and
Substance Abuse Services

December 2, 2016

Central New York DSRIP P.P.S.
University Hospital SUNY Health SC
Shawna Craigmile, LCSW, DSRIP Director
750 East Adams Street
Syracuse, New York 13210

Dear Ms. Craigmile:

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 University Hospital SUNY Health SC in its capacity as the lead for the Central New York (CNY) 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 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 requests for regulatory waivers are addressed below.

1 Central New York 10 NYCRR Part 86-4.9 2.a.i.

Background and justification provided in your request:

CNY seeks this waiver to help integrate and provide multiple same day services at the same location which is fundamental to the goals of an integrated delivery network (IDN) focused on evidence-based medicine. A waiver would relieve the threshold requirement currently in place limiting reimbursement for multiple services provided at the same location on the same day. Alternatively, the current billing structure (without a waiver) will limit the number of co-located services under development. CNY does not believe that waiver of this regulation would negatively impact patient safety. Rather, the waiver is intended to promote patient care and therefore safety.

Response to waiver request:

More Information Needed. In order to waive APG grouper logic, the Department would like additional information on the services furnished and how waiving the APG grouper logic and NCCI edits would improve/enhance delivery of evidence based services. Please send responses to Ronald.Bass@health.ny.gov.

2 Central New York 10 NYCRR Part 86-4.9 3.a.i.

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Response to waiver request:

Integrated Services: No Waiver Needed. In order to facilitate integration of primary care and behavioral health services for purposes of Project 3.a.i, the Department of Health (Department) and the Office of Mental Health (OMH) will raise their Licensure Thresholds and the Office of Alcoholism and Substance Abuse Services (OASAS) will implement a Licensure Threshold for outpatient providers licensed or certified by the Department, OMH or OASAS that are part of the DSRIP project, permitting such providers to integrate primary care and behavioral health services under a single license or certification so long as the service to be added is not more than 49 percent of the provider's total annual visits ("DSRIP Project 3.a.i Licensure Threshold") and the patient initially presents to the provider for a service authorized by such provider's license or certification.

3 Central New York 10 NYCRR Part 86-4.9 3.b.i.

Background and justification provided in your request:

CNY seeks this waiver to help integrate and provide multiple same day services at the same location which is fundamental to the goals of an integrated delivery network (IDN) focused on evidence-based medicine. A waiver would relieve the threshold requirement currently in place limiting reimbursement for multiple services provided at the same location on the same day. Alternatively, the current billing structure (without a waiver) will limit the number of co-located services under development. CNY does not believe that waiver of this regulation would negatively impact patient safety. Rather, the waiver is intended to promote patient care and therefore safety.

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4 Central New York 10 NYCRR Part 86-4.9 Other projects not listed above

Background and justification provided in your request:

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Response to waiver request:

More Information Needed. In order to waive APG grouper logic, the Department would like additional information on the services furnished and how waiving the APG grouper logic and NCCI edits would improve/enhance delivery of evidence based services. Please send responses to Ronald.Bass@health.ny.gov.

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 A. Zucker, M.D., J.D.
Commissioner 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