

November 7, 2012

## **ATTENTION ALL HOSPITAL AND FREESTANDING OASAS CERTIFIED OPIOID TREATMENT PROGRAMS**

Service delivery and Billing Guidance for OTP programs providing services to patients in temporary program placement status as a result of Hurricane Sandy

Dear OASAS Certified Opioid Treatment (OTP) Program:

In response to the disruption in service delivery experienced by OASAS certified Opioid Treatment Programs (OTP) in the aftermath of Hurricane Sandy many OTP programs have been servicing patients from other OTP programs. As such, OASAS is issuing this letter as policy guidance to the field on how to facilitate: the temporary transfer of patients (courtesy medicating); and process associated Medicaid claims for OTP patients impacted by this storm.

### Federal and State Authority:

#### **Federal:**

OASAS has sought clarification of Medicaid billing rules from federal authorities for services delivered to OTP temporary transfer patients. CMS has advised that they believe New York State controls what benefits would apply under Medicaid. Accordingly, pursuant to OASAS Part 822 OTP Regulations, providers are authorized to treat temporary transfer patients and to submit Medicaid claims for services delivered to temporary transfer patients so long as the services are clinically appropriate, documented consistent with the existing regulatory requirements and delivered in accordance with the existing standards pertaining to Medicaid Reimbursement. See 14 NYCRR Part 822-3.1.

Providers should also consult guidance issued by SAMSHA for treating OTP patients from areas affected by emergency closures of programs. See:  
[http://dpt.samhsa.gov/pdf/dearColleague/GuidanceKatrina\\_090905.pdf](http://dpt.samhsa.gov/pdf/dearColleague/GuidanceKatrina_090905.pdf).

#### **State:**

OASAS regulations allow OTP programs to provide services to patients consistent with program procedures for temporary transfers. See 822.5-4(x).

In accordance with 822-5.4(x) (4), a receiving OTP may provide “any necessary service after consultation with the sending OTP.”

### Service Delivery:

- **Promote Access:**
  - Consistent with regulation and this guidance, OASAS expects that receiving OTP’s will deliver treatment services, as clinically appropriate, to as many

temporary transfer patients as a program can accommodate for the duration of the disaster emergency which was declared by the Governor's Executive Order Number 47 on October 26, 2012.

- OTP's with multiple sites should direct their displaced patients to one of their other receiving program sites if convenient to the patient. If inconvenient, any OTP may act as a receiving OTP.
- **Coordination of Care:**
  - Programs receiving temporary transfer patients should make diligent efforts to contact the home OTP to obtain a patient's current dose, take-home status (as applicable) and other treatment needs or concerns. If unable to contact the home OTP, receiving programs should proceed in accordance with the SAMSHA guidance referenced above.
  - OTP's who are delivering services to temporary transfer patients are not required to contact Netsmart or make any reports related to the central registry system unless and until a temporary transfer patient chooses to make the transfer permanent by seeking admission to the receiving program.
  - Receiving OTPs are required to submit the attached form weekly (by email) to the OASAS Bureau of Addiction Medicine & Self Sufficiency at [BelindaGreenfield@oasas.state.ny.us](mailto:BelindaGreenfield@oasas.state.ny.us) or [GregoryJames@oasas.ny.gov](mailto:GregoryJames@oasas.ny.gov).
  - All temporary transfer patients medicated at a receiving OTP must continue to attend the receiving OTP throughout the emergency period.
- **Service Documentation:**
  - Receiving OTP's should document services delivered to temporary transfer patients in accordance with 822-2.5 in a temporary case record created for each such patient. Temporary case records must be maintained for at least six years after the final service delivered by the receiving OTP to the temporary transfer patient.
- **Medicaid Billing:**
  - The receiving program submits the Medicaid claim and receives reimbursement for the services rendered on site at their program. The claim is submitted using the receiving program's Medicaid identification numbers (e.g. NPI) and should be submitted in the program's customary method for claiming OTP services.

