

# **Administrative/Regulatory Relief & Gold Standard Next Steps**

## **September 15, 2009**

Alexis Gadsden and Chuck Monson thanked the committee members for the important work and accomplishments of the Workgroup. They also expressed their admiration for the provider/OASAS partnership in these efforts. In addition, Chuck expressed the continuing support of Commissioner Carpenter-Palumbo and Executive Deputy Commissioner Caggiano-Siino, and reiterated their high expectations for this group.

### **Subcommittee Reporting Updates**

#### **Waiver Subcommittee**

Mark Boss updated the Workgroup on a number of improvements to the OASAS Waiver Committee's operation, many of which were implemented as a result of the Waiver Subcommittee's work.

- The Waiver Committee now meets monthly rather than quarterly. This change allows for quicker resolutions of waiver decisions.
- The OASAS Waiver web page is currently under reconstruction. Additions to the web page will include examples of "typical waivers" to give providers guidance in deciding whether to pursue a similar waiver request. Mark indicated that the Waiver Committee acts on approximately 100 regulatory waiver requests each year, excluding CASAC and other "automatic" waivers; if CASAC waivers and other "automatic" waivers are considered, the total is around 250-300 per year.
- There was continued interest in the concept of same waiver for multiple locations, the possibility of Program Review staff determining the validity of a continued waiver during a recertification review and extending waivers beyond the operating certificate date if they were near expiration. Mark indicated that the OASAS Waiver Committee will take these recommendations under consideration.

Bill Lachanski indicated to the Workgroup that Program Review staff will remind providers during Entrance Conferences of the need to renew waivers, if applicable.

#### **Standardized Documentation Initiative/Smart Records**

Joe Chelales provided an update on the success of paperwork reduction consultations provided, including the sample case record (green binder) that was given to the Commissioner to illustrate excessive paperwork requirements. After a review of the 130 page record, OASAS staff determined that approximately 25% of the documentation was not required by OASAS regulations.

Other identified paperwork reduction accomplishments included the reduction of St. Joseph's comprehensive evaluation form from 29 pages to 14 and Pederson-Krag eliminating 24 pages from its case record. Generally, paperwork reduction is averaging a 25% reduction overall.

Joe advised that a common theme from the consultations was the paperwork reduction and clinical value of a Patient Handbook. Providers are using this format to meet regulatory requirements (i.e.,

confidentiality, rules & regulations, patient rights, voluntary participation, tobacco-free policy) and provide additional information to patients (i.e., treatment expectations, dress code, role of individual/group therapy, emergency procedures). He emphasized that the handbook should have a “supportive and welcoming” tone. Joe Chelales concluded by announcing the merging the “Patient Handbook” Subcommittee with the Smart Records Subcommittee.

## **OASAS Reporting Requirements**

Alan Kott provided the group with an update on OASAS Reporting Requirements.

- Alan’s staff has been conducting provider staff trainings in the area of data reporting. He announced a series of on-line tutorials that are scheduled to begin in November 2009. The three target audiences are: data entry staff, clinical staff and administrative staff. Although CASAC credits will be available upon completion of these tutorials, it was still undetermined as to how the credit would be received.
- Alan discussed a major reporting change that has come about as a result of drug law reform. Beginning October 7, 2009, criminal justice patients will be coming to providers with a completed consent form that will allow communication between OASAS, criminal justice agencies and drug courts. With that, several questions/ issues/concerns were brought to the table.
  - Concern about the consent form being a “two-way” exchange was discussed. Providers wanted assurance that the consent form provided for the **exchange** of information (providers sharing with drug courts, but drug courts not sharing with providers). Alan followed up on this question during the lunch break and was able to assure the Workgroup that the consent form clearly provides for communication “between & among” the interested parties.
  - A question as to whether or not this would become a “review requirement” during a recertification review was asked; however, a determination has not as yet been made.
  - Providers were concerned because patients do not always reveal that they have been referred from drug court. Alan explained that, as it is envisioned, upon agreement of the patient at drug court to agree to treatment, the drug court will have the consent form completed and transmitted to the provider. The PAS-44 will be modified so that a provider can report the court referral, including the NYSID number and date. The PAS-44 will also include a space to report the revocation date of the consent, if applicable. Alan instructed providers to report any problems with this new procedure to their respective Field Office, who would then relay it on to Alan’s unit. Alan reported that the revised PAS-44 and associated instructions will be available within a week or so.
- Alan concluded by giving a brief description of the OASAS “scorecard” and explained that it was based on a “1 to 5” scale and included regulatory compliance, IPMES data, fiscal viability and facility information.

## **Unified Reporting**

Alexis Gadsden related that she had recently met with the Office of Court Administration (OCA). At this point, the Subcommittee is working with two forms: a draft OASAS form and the OCA form. As

this Workgroup had been inactive for a while, Alexis asked for feedback on next steps. A brief discussion followed regarding the OCA form, which is a web-based system. Although it promises to provide “two-way” communication between providers and drug courts, several providers reported that the information to be shared is left up to the individual judges. Norwig Debye-Saxinger informed the group that progress reports are required for OASAS, OTDA, DSS and various criminal justice agencies. He related that HRA had a computer system (STAR) that might be adapted to OASAS providers’ needs. Sandra will be contacting HRA to obtain additional information regarding the STAR system and possible future collaboration.

A discussion then ensued regarding electronic records. A company from Ohio (MTM) is coordinating an effort to develop a single electronic record that would satisfy multiple state agency requirements. NYS OMH has already invested \$100,000 in this effort. OASAS will support this concept and the general consensus is that electronic recordkeeping is “the way to go”. It appears that this electronic record would also be able to handle scheduling and billing and would satisfy other accrediting agencies (i.e., CARF, JACHO).

It was noted that OASAS/provider staff working on the OMH project described above (emanating from Long Island) are in communication with the OASAS/provider staff working on the Recovery Net project in Rochester. There is representation from each of these efforts on the Administrative/Regulatory Relief Workgroup.

## **Regulatory Changes Update**

### **Part 818 and Part 819**

Joe Chelales led a brief discussion regarding the Workgroup’s interest in reviewing the Part 818 (Inpatient) and Part 819 (Residential) regulations for potential improvements. Some of the areas for improvements discussed included: multi-disciplinary team involvement, fundamental treatment plan revisions, staff ratio, and weekly progress notes. Subcommittees were formed to address the potential improvements.

#### **Part 818 Subcommittee**

OASAS Co-Chair – Joe Chelales  
Provider Co-Chair – To Be Determined

#### **Part 819 Subcommittee**

OASAS Co-Chair – Joe Chelales  
Provider Co-Chair – To Be Determined

## **Part 822 and Part 828 Merger**

Bill Lachanski provided an update on the current status of the Part 822 and Part 828 merger, explaining that they would both become “subsections” under “new” Part 822 Regulations. The current outpatient regulations will be Section 822-4 and the current methadone regulations will be Section 822-5. Bill related that the merged regulation was submitted to DOB. From there it will go to GORR and then to the State Register for a public comment period. He further informed the group that the merged regulation would be impacted by the scheduled implementation of APGs.

## **Regulation Updates**

Bob Lebman indicated that he had been asked by John Coppola and Chris Wilkins to chair the ASAP Regulatory Committee. ASAP is partnering with OASAS to review all regulation changes in the early stages of development. As an example, he reported on his recent interactions with the Part 836 Incident Reporting regulations. After several productive meetings with OASAS, he submitted the draft regulations and associated form to the ASAP Board, who approved them with no changes. Chuck noted that Bob’s involvement in the Administrative Relief Workgroup puts him in an ideal position to connect the dots in these complementary regulatory reform processes.

## **Part 816**

Bill Lachanski informed the group that, according to OASAS Counsel’s office, the revised draft of the Part 816 Withdrawal and Stabilization regulations will be issued for public comment next week.

## **Progression into Gold Standard**

Chuck and Alexis discussed the progression of the Administrative/Regulatory Relief Workgroup mission with the Gold Standard Initiative (GS). The composition of the Administrative/Regulatory Relief Workgroup (extensive clinical experience, diversity of program representation (inpatient, residential, outpatient), the large geographic area representation of New York State, etc.) would be the perfect mix of people to accomplish the important work that needs to be done for the GS to succeed.

## **Gold Standard Initiative**

Ashley, Alexis and Chuck provided a brief recap of “Round 1” of the Gold Standard Forums that were held in five locations across New York. OASAS and ASAP are currently analyzing the results from “Round 1” to better plan for “Round 2”. In the meantime, OASAS and ASAP are in the process of conducting the remaining Round 1 forums beginning November for the Central Region and the North Country in early December. Chuck related how the first round of forums focused on best practices, regulatory compliance, and OMIG’s participation (audit readiness) in the presentations, but also explained the challenges and impact of budget constraints and travel restrictions on future forums.

## **Clinical Guidance**

Pat Lincourt discussed the development of a Clinical Guidance Document for Part 822. She stated that it was a rough draft and that the goal is to have the document be a realistic clinical tool to help clinical staff, and would not be regulatory. It will address the comprehensive evaluation, treatment planning and progress notes. Alexis indicated that she had shared this form with her staff with positive results. Pat also reported on the development of a Clinical Advisory Panel, which would define clinically appropriate services and rely on best practices and Gold Standard practices.

## **Integrated Quality System (IQS)**

Janet Paloski explained the concept of IQS, which, when implemented, will allow for inclusion of additional measures to determine the length of a provider's operating certificate. Some of the additional measures may include: fiscal viability, client data reporting and IPMES data. A concern was raised regarding the fact that fiscal viability applies to the provider rather than a specific service location. In addition, there was a discussion regarding "tracer methodology" and the impact of JCAHO and CARF accreditation. A new Subcommittee was formed to develop the new methodology and resolve the issues/concerns raised.

### **Integrated Quality System Workgroup**

OASAS Co-Chair – Janet Paloski

Provider Co-Chair – To Be Determined

## **Quality Management Planning**

Joan Disare explained how the Quality Service Review process focuses on "high-Medicaid" providers. She indicated that the goal is to develop management tools and resources as part of a program's infrastructure and foundation for quality services. Joan reported that effective October 1, 2009, any provider that has more than \$500,000 in Medicaid billings will be required to have a Medicaid Compliance Plan. The plan should include an integrated management program and an internal control program. Joan also stressed the importance of board training and overall guidance for the field. A Subcommittee was formed.

### **Quality Management Planning Subcommittee**

OASAS Co-Chair – Joan Disare

Provider Co-Chair – Susan Acosta

Chuck and Alexis thanked everyone for their active participation. Each subcommittee should report back any progress made by November 16<sup>th</sup> and the entire Workgroup will reconvene in Albany on December 8<sup>th</sup>.

## **Clinical Guidance Subcommittee Members**

Patricia Lincourt	OASAS
John Bennett	Genesee Council on Alcoholism & Substance Abuse, Inc.
Ellen Breslin	Alcohol and Drug Dependency Services, Inc.
Danielle Cadden	Central New York Services
Nadine Duncan	Lexington Center for Recovery
Mary Ann Fielding	St. Christopher's Inn, Inc.
Joseph Forcinto	Daytop Village, Inc.
Alexis Gadsden	Outreach Development Corporation
Pat Hartley	Pederson-Krag Center, Inc.
Richard Kinsella	OASAS
Dinny McClintock	Hospitality House T.C, Inc.
Debbie Pantin	Palladia, Inc.
Art Rosenthal	Rockville Centre Drug and Alcohol Abuse - CONFIDE, Inc
Bill Terenzi	Faith Mission Alcohol Crisis Center, Inc.
Liz Tremain	Phoenix House
Herb Weis	Horizon Health Services, Inc.
Bud Ziolkowski	St. Joseph's Rehabilitation Center, Inc.
Richard Zwolinski	Liberty Behavioral Management

### **New Members as of 9/15/09**

Steven Rockman	Samaritan Village
Traci Donnelly	Phoenix House
Linda Vincent-Riker	Crouse Health Hospital, Inc.
Ashley Johnson	ASAP
James Schneider	Dynamic Youth Community, Inc.
Michael Purnell	Cornerstone Treatment Facilities Network

## **Part 818 Regulatory Review Subcommittee Members**

Joe Chelales	OASAS
Lauri Cole	NYS Council for Community Behavioral Healthcare
Bob Lebman	Huther-Doyle Memorial Institute, Inc.
Michael Purnell	Cornerstone Treatment Facilities Network
Anna Spooner	St. Joseph's Rehabilitation Center, Inc.
Sandra Baker	St. Joseph's Rehabilitation Center, Inc.
David Herbert	OASAS
David Boehner	Cornerstone Treatment Facilities Network

## Part 819 Regulatory Review Subcommittee Members

Joe Chelales	OASAS
Robert Anderson	Daytop Village, Inc.
Jim Hollywood	Palladia, Inc.
Lauri Cole	NYS Council for Community Behavioral Healthcare
Bob Lebman	Huther-Doyle Memorial Institute, Inc. & ASAP Regulatory Reform
Norwig Debye-Saxinger	Phoenix House and TCA President
James Schneider	Dynamic Youth Community, Inc.
Jeff Savoy	Odyssey House, Inc.
Paige Prentice	Horizon Village, Inc.
Dinny McClintock	Hospitality House T.C, Inc.
Linn Becker	Hospitality House T.C, Inc.
David Herbert	OASAS
Susan Acosta	Daytop Village, Inc.

## Quality Management Planning Subcommittee

Joan Disare	OASAS
Susan Acosta	Daytop Village, Inc.
Kathy O'Loughlin	Lexington Center for Recovery
Kimberly Aichner	Central New York Services, Inc.
Pat Fralick	Credo Community Center for the Treatment of Addictions, Inc.
Lloyd Hurlbut	Credo Community Center for the Treatment of Addictions, Inc.
Pam Gubuan	Phoenix House
Mary Brite	Outreach Development Corporation
Alexis Gadsden	Outreach Development Corporation
Bob Lebman	Huther-Doyle Memorial Institute & ASAP Regulatory Reform
Scott Pidgeon	Palladia, Inc.
Dennis O'Connor	Palladia, Inc.
Lauri Cole	NYS Council for Community Behavioral Healthcare
Sandra Schleicher	OASAS
Herb Weis	Horizon Health Services, Inc.
David Bochner	Cornerstone Treatment Facilities Network
Pat Hartley	Pederson-Krag Center, Inc.
Judy Burns	Phelps Addiction Treatment Service
Lolita Silva-Vazquez	Lower East Side Service Center, Inc.
Bonnie Carr	Insight House
Patricia Hartley	Pederson-Krag Center, Inc.
Trish Schell-Guy	OASAS
Trish McCauley	OASAS
Bill Carpenter	OASAS

## Integrated Quality System Subcommittee

Janet Paloski	OASAS
Debbie Pantin	Palladia, Inc.
Bob Lebman	Huther-Doyle Memorial Institute
Alexis Gadsden	Outreach Development Corporation
Steven Rockman	Samaritan Village, Inc.
Alan Kott	OASAS
Bill Lachanski	OASAS
Joan Disare	OASAS
Ed Freeman	OASAS
Prevention Bureau	OASAS
Barbara Vuolo	OASAS
David Herbert	OASAS
Randy Wolin	OASAS
Laurie Felter	OASAS
Norwig Debye-Saxinger	Phoenix House
Pam Gubuan	Phoenix House
Kimberly Aichner	Central New York Services
James Schneider	Dynamic Youth Community, Inc.
Jeffrey Savoy	Odyssey House, Inc.
Joe Chelales	OASAS
Otto Feliu	Crouse Health Hospital, Inc.
Patricia Hartley	Pederson-Krag Center, Inc.
Krista Whitman	Pederson-Krag Center, Inc.
Sandra Schleicher	OASAS