

Administrative/Regulatory Relief Work Group Minutes December 8, 2009

Chuck Monson welcomed the veterans of the work group as well as the new comers to the 9th meeting of the Administrative/Regulatory Relief Work Group. He thanked everyone for coming near and far to attend and for their continued hard work that goes on during and in between each meeting. He also expressed his gratitude for the growth of the work group and the continued partnership that has been formed.

Chuck also expressed Commissioner Carpenter-Palumbo's and Executive Deputy Commissioner Caggiano-Siino's continued support, their wishes for success and appreciation for the accomplishments of the group thus far.

Chuck took a moment to thank his co-chair Alexis Gadsden for her continued support and for the enthusiasm she brings to the work group and to Steve Hanson for facilitating the meeting; Chuck also acknowledged that with all of the hats Steve has been asked to wear within OASAS, it is a testament to his commitment to the work group and he took this opportunity to express to Steve our appreciation of his continued involvement.

Chuck indicated that last meeting's agenda was extensive and posed a transformation of the mission of the work group from administrative/regulatory relief toward the Gold Standard Initiative. Although the work group was able to get through the entire agenda, time was tight and there was little time for an open discussion of the agenda items. He indicated that the first agenda item for today's meeting would be to take a step back and allow for feedback in this respect and to discuss a process for moving forward.

Alexis was also grateful for everyone's hard work and thanked everyone for staying connected. She indicated that a lot of product has been developed; some quickly, while others were time consuming. She stated that together we have been able to reduce burdens on providers and the workforce while producing outcomes and better services for our patients. She asked the group to be honest and that if they were in a place where they were not comfortable, to please speak up and let us know.

Process Check

Steve Hanson then opened up the floor to the members posing the following questions:

- Where do we go from here?
- Do we stay with the original mission of less paper/better services?
- Are we in the right direction?
- Are there specific areas we want to focus on (streamline or "park" some of our focus)? If so, which ones do we focus on/address?
- Do we focus on administrative/regulatory relief issues/concerns as well as the Gold Standard Initiative?

As expected, the members had a lot to say and were forthcoming with concerns/opinions and recommendations. Comments included:

- There was good communication between OASAS and providers initially (Part 822 regulations), but some providers felt "blindsided" with the promulgation of the Part 816 regulations.
- Several providers voiced their confusion regarding the Social Work Scope of Practice Licensure Law in regard to the "sunset" expiration date and who it would affect.

NOTE: Trisha Schell-Guy from OASAS' Counsel was able to join the group late morning to provide an update. She indicated that the expiration date was originally due to expire on January 1, 2010, but that this date had been pushed back to June 2010. She indicated that CASAC's and CASAC-T's have a permanent exemption. Trisha also indicated that OASAS is currently in the process of trying to get another long-term exemption.

- Many felt that the last meeting was a departure from the overall mission and that too much time is spent on subcommittee report-outs (not the purpose of the meeting). A recommendation was made to send subcommittee updates out via e-mail prior to the next meeting rather than spend meeting time on updates (not the best use of the group's time). This will allow members enough time to review the information prior to the meeting and can ask questions at the meeting, if necessary.
- The work group has made a good start and is still motivated, but hasn't seen enough change. Go back to regulations (Part 815 and Part 836) to provide more administrative relief allowing counselors to spend more time with their patients.
- Stick to the message.
- What can we change quickly? We haven't done that lately. What are our next steps? A recommendation was made to solicit feedback from the field for possible next steps.
- We will benefit from narrowing our focus.
- We need to define what product is important for us to sink our teeth into as part of today's agenda.
- A lot of work is accomplished in the subcommittees – the smaller groups are how we get the work done.
- Most of the work is done outside and in smaller groups that need to be brought forward to the whole group in order to communicate but it may be better to send the information prior to the meeting for a more in-depth discussion in the larger group.
- Taking away the paperwork aspects seems to have stopped – we need to get back to the original intent of the group – reduce administrative burden.

At this point Chuck asked if everyone agreed and consensus was that administrative relief was the core function. Chuck advised that he will follow through with forwarding subcommittee report backs to the work group prior to each meeting and indicated that he will work hard to ensure the information is disseminated timely in the future.

Subcommittee Report Outs

Unified Reporting (Alexis Gadsden)

Alexis indicated that she felt the subcommittee has made some progress – they are now at least talking to the correct people to be able to move forward (possibly due to the drug reform laws and the need for state agencies to work together). However, they still have 2 forms; the OCA form (web-based) and the OASAS form. She indicated that the outside parties involved seem willing to compromise in allowing modifications to the existing forms. However, the final product may not meet the needs of the whole system (too many drug courts involved; different county requirements to meet, etc.). In order to move forward, the work group requested that screens shots of both forms be sent for their review to see which one is better suited to meet their needs. It was also suggested that the final product be piloted (perhaps starting in NYC) rather than implemented statewide.

Part 818 and Part 819 (Joe Chelales)

Joe indicated that he received comments from providers in regard to the Part 818 and Part 819 regulations. Joe has scheduled meetings with the respective subcommittee members to review all comments received and will then forward recommended changes to OASAS Counsel for review and further discussion.

Part 815 (Joe Chelales)

Joe indicated that the Part 815 subcommittee will take another look at the regulations to see if any immediate action items can be brought forward.

Smart Records (Joe Chelales)

Joe indicated that he has three upcoming smart records review sessions scheduled for December (Equinox, Dynamic Youth and Outreach Development Corporation - Richmond Hill). Joe will document paperwork reduction from each location and, with assistance of the Smart Records Subcommittee, will prepare a guidance document to assist providers in self-assessing their own paperwork reduction reviews.

Part 822/828 Update (Bill Lachanski)

Bill indicated that the joint Part 822/828 operating regulation is continuing to move forward and that they are currently at DOB (they are not being held up pending approval of APGs). OASAS has addressed DOB's concerns and are awaiting their approval and processing to GOER, who has already had some involvement with the regulation. Upon GOER's approval, they will be sent to the Governor's Office for approval and from there to the Department of State for a 45 day comment period.

At this point, Chuck mentioned that the Division of Quality Assurance and Performance Improvement had developed an overview document detailing the highlights/accomplishments of the proposed Part 822 regulatory changes and indicated that this document would be a positive example to share with providers/staff who do not participate in the Administrative/Regulatory Relief Work Group (see attachment).

In regard to APGs, Bill indicated that implementation of APGs has been moved back to the fall of 2010. Regulatory adjustments will be made at that time.

UPDATE: Subsequent to the meeting, Counsel's Office advised that the Part 822/828 regulation had not yet been approved by DOB (which is only step 1 in the approval process). With the expected implementation of APGs in the fall of 2010, which would require additional regulatory language to allow for the provision and reimbursement of APGs, the regulation will be delayed. To meet the fall 2010 time frame, the Agency has undertaken a major initiative to make the necessary language changes in the regulations for APGs.

Part 816 Update (Bill Lachanski)

Bill indicated that the Part 816 regulations were promulgated and were effective November 21st. Bill informed the work group that the Program Review Unit was in the final stages of developing a draft site review instrument based on the new regulations and was asking for a small group of Part 816 providers to assist in the review of the instrument prior to finalization. Bill explained that this would be a one-shot deal (not a subcommittee) to finalize the

instrument and that participation would be via telephone. Several members graciously agreed to assist in this endeavor.

Clinical Guidance (Patricia LIncourt)

A draft Clinical Guidance document had been developed by the subcommittee and was submitted to the work group for review. Pat indicated that revisions may be necessary dependent upon the final version of the Part 822 regulations. She also indicated that upon promulgation the document will be revised to include specific regulatory references. When questioned about some of the terminology used in the document, Pat indicated that the document was prepared using terminology consistent with the language used in the regulations.

Pat asked the work group to send any comments they may have directly to her via e-mail at: patlincourt@oasas.state.ny.us.

Quality Management Planning (Joan Disare)

Joan stated that the Quality Management Planning Subcommittee has met twice already and they are in the process of analyzing the Medicaid Compliance Program requirements. They are also in the process of developing a cross-reference chart to assist chemical dependence service providers in responding to Medicaid Compliance Program requirements.

She also indicated that a new Quality Management section is under development for the OASAS web site. She also said that her staff trained OMIG staff in reviewing clinical components of a patient record and that OASAS staff and OMIG staff meet frequently to discuss issues, regulatory interpretation and scheduling, among other areas.

Integrated Quality System (IQS) (Janet Paloski)

Janet introduced the concept of the Integrated Quality System (IQS) to the work group at its last meeting and asked for volunteers to join the OASAS IQS team. At that time, she explained that the OASAS IQS team started to build upon the existing process for determining the length of an operating certificate by incorporating additional performance measurements into the existing methodology.

However, based on the results of the morning session, Janet asked the work group if IQS was a direction in which the work group should focus or if suspension of the subcommittee was warranted. After several minutes of discussion and the realization that the Administrative/Regulatory Relief Work Group needs to branch out and engage in areas that may not be directly related to reduction in administrative paperwork, they agreed that IQS should be addressed in this work group and additional members signed up to be on the subcommittee.

Janet also indicated to the work group that legislation had been proposed to extend the maximum term of an operating certificate from 3 years to 5.

Summary

The next scheduled meeting for the Administrative/Regulatory Relief Work Group will be on March 16th. Chuck asked that all subcommittees report back no later than February 17th.

In closing, Chuck reiterated the afternoon's session as follows:

- There are many "tributaries" that are important to the core.

- We shouldn't be too narrow as to leave out important conversations.
- Additional thought needs to be put into what direction and focus the group wants to take.
- What it means to operate as a Gold Standard counselor in the system.
- Integration of EBPs is a struggle and can be useful in this meeting – where do we want the workforce to be in a couple of years from now?
- Administrative perspective – are counselors seeing the change?
- Performance improvement systems – we need to look at the whole framework as in Gold Standard.

During the course of the meeting, a suggestion of setting up a “blog” to be able to discuss issues/ideas further was discussed and Chuck indicated that he would look into the possibility of setting one up.

UPDATE: Subsequent to the meeting, a “Yahoo Groups” was established; Administrative/Regulatory Relief Work Group members will shortly receive an invite and related information about joining, in conjunction with these meeting minutes.

The work group's inclination during the morning session was to return to its original mission of administrative/regulatory relief; however, this afternoon' session had them realizing the need to be able to branch out into other areas that support or original mission.

During closing remarks, Suboxone issues were discussed (expense, misuse, etc) and providers were asking for guidance from OASAS. Chuck asked that you send any comments/ issues directly to him no later than January 30th for further discussion with Dr. Kipnis.

Chuck and Alexis ended the afternoon by wishing everyone happy holidays and a happy new year.