

Administrative/Regulatory Relief Work Group Minutes

June 30, 2011

Opening Remarks

Tom Nightingale facilitated the meeting and opened it by welcoming everyone. He thanked them for maintaining a consistent membership, for always providing input and accomplishing a tremendous amount of work over the years.

Alexis Gadsden agreed with Tom and added that she was grateful to the membership for the committee work that has been completed, sometimes with very short notice.

Chuck Monson added that the membership has been together now for 4 years. He mentioned that the current consolidated Part 822 regulations became effective on December 2, 2002 and beginning tomorrow, July 1, 2011, it's a new day with the consolidation of the Chemical Dependence Outpatient Services and the Opioid Treatment Programs regulations into one. The new regulations will also include implementation of Ambulatory Patient Groups (APGs).

Chuck listed several of the recent "key" accomplishments of the work group including: SMART Records; SMART Records Checklist; Patient Handbook; Writing Policies and Procedures Guidance document; Incident Review form, and Incident Review FAQ's and. All of these documents can be found on the OASAS website at: <http://www.oasas.ny.gov/mis/forms/reg/regulatory.cfm>.

Chuck also mentioned that this would be Tom's last meeting with us, as he is scheduled to retire at the end of the summer. Everyone agreed that Tom was a good voice for the field and that it has been an honor working with him.

Chuck also acknowledged that we had a few new members to the group, both from the provider field and from OASAS.

MRT/SAGE Update

MRT

Ilyana Meltzer informed the group that since the Behavioral Health Organizations (BHO) Request for Proposal applications had been released to the field, OASAS was currently under a "black out" period and could not respond to questions from the group at this time. She did, however, inform everyone that information regarding the BHOs can be found on the OASAS and OMH websites.

SAGE

Chuck provided a brief update on the Health and Disabilities Workgroup of the Spending and Government Efficiency Commission. He advised that one of the topics being discussed was potential streamlining of regulations, certification and surveillance activities for providers certified by more than one state agency. He described a few examples of OASAS, OMH and/or DOH overlap, and further stated that this workgroup may be well positioned to provide input as this work continues.

Part 822/APG Update

Ilyana indicated that the spring 2011 APG trainings were well attended with approximately 1,200 participants from the field. She briefly mentioned one of the attachments sent prior to the meeting – Notification to OASAS Certified Freestanding Part 822-4 Clinic Programs and Part 822-5 Opioid Programs document. This notification provides OASAS programs with detailed billing guidance critical to proper APG implementation for Part 822 programs. Any questions regarding this form can be sent to the Technical Assistance/Systems Reform Unit by e-mail at TechnicalAssist@oasas.ny.gov.

Ilyana also mentioned that there is an APG FAQs portal available for providers to view/search questions and answers by topics. This portal can be found at http://www.oasas.ny.gov/FAQs/index.cfm?org_code=1.

She also anticipates one final revision to the APG Manual shortly.

Pat Lincourt mentioned the range of questions she was receiving regarding APGs including: rate codes, clinical necessity, CPT/HCPCs codes, day rehabilitation, complex care, physical health codes, etc. These questions and answers can also be found in the FAQ portal mentioned above.

Laura Higgins gave an overview of the presentation she gave during the spring trainings. The overview included a review of changes from the current Part 822 regulations with the proposed Part 822 regulations in the areas of: admission criteria, timeframes for completion of the comprehensive evaluation, brief/ extended visits, and physical exams. She also mentioned that new Part 822-4 model case record forms have been developed and are in the process of being posted to the OASAS website. Draft forms can be requested through the Technical Assistance mailbox (identified above).

Part 822 Regulations/Monitoring Update

Bill Lachanski informed the group that the Part 822 Chemical Dependence Services and Opioid Treatment Program regulations have been adopted effective July 1, 2011. He thanked everyone for their input in this process and acknowledged Trisha Schell-Guy for all her hard work in this endeavor. Bill stated that there were very minor changes to the proposed regulations -- mostly consisting of a few clarifications and technical and grammatical changes. No substantial revisions were made. The new regulations can be found on the OASAS website at: <http://www.oasas.ny.gov/regs/index.cfm>.

Some of the changes included:

- **822-4.2(c)(3) - Group Counseling** – requirement clarified to indicate session must contain no more than 15 patients (instead of individuals) to allow for families to be involved in group sessions.
- **822-4.2(c)(9), (10) & (11) Treatment/Recovery Plans** – clarified case conference and signature provisions – now needs to be reviewed at case conference; approved, signed and dated by MDT at or after case conference but within 45 days of admission and signed by responsible clinical staff and MD within 10 days of MDT approval.
- **822-4.7(h) Utilization Review and Quality Improvement** – new paragraph added to allow hospital-based programs to use existing hospital-wide committee to perform functions of Quality Improvement Committee so long as a member of CD program services is on the committee.
- **822-4.8(f) and 822-5.9(i) Staffing** – qualified the staffing requirement by adding “unless otherwise approved by the Office”. A waiver would need to be submitted to OASAS for approval.
- **822-5.6(g)(3) Medication Administration** – now allow patients approved for 13 or more days of take-home medication to receive methadone in dry tablet form in a single bottle.
- **822-5.10(e) Medication Security** – replaced “must” with “should” - “patients should return take-home bottles before receiving subsequent take-home medication.”

Stephanie Saporito indicated that nearly all of the Part 822 outpatient providers that were scheduled to expire by December 2011 have received a recertification review. As of July 1st, recertification reviews for outpatient services will be suspended until January 1, 2012 to allow providers sufficient time to come into compliance with the new regulations. Site Review Instruments (SRIs) for outpatient and opioid services are being finalized. The Bureau of Standards Compliance will be providing two taped trainings (one for each service) which will be made available to providers through the OASAS website. Draft SRIs can be obtained by e-mailing your request to the Technical Assistance Unit (see link above). Outpatient Services and Opioid Treatment recertification reviews will begin again in January 2012.

As a result of several serious incidents that have occurred over the last several months, as well as OASAS' goals to improve its monitoring and oversight activities, an internal OASAS Enhanced Oversight Team has been convened with Chuck as the lead. Additionally, Special Review Teams consisting of monitoring staff from various Divisions have been assembled and have already completed 13 targeted, focused reviews of intensive residential programs. Common risk indicators found throughout these reviews included: staffing deficiencies,

incident reviews not being properly evaluated, no follow up with patients with positive toxicology results, and lack of licensure from DOH as an institutional dispenser. Rather than reactive, it is OASAS' intention to be preemptive and identify risk factors before the incident occurs. Further reviews of other service types are currently being scheduled.

Unified Reporting

Good news! Alexis received the "ok" from the Suffolk Criminal Justice Advisory Group and Mental Hygiene Director to "pilot" the Treatment Progress Report form. Steve Hanson also shared the form with the criminal justice stakeholders to make sure they are on board. Both Alexis and Steve submitted minor edits to the form which have been made. Discussion as to how to disseminate the form throughout Suffolk County is currently under discussion.

Gold Standard Update/ASAP Workshop

Chuck mentioned that the Scorecards are in line to be distributed in August 2011. OASAS staff are finalizing procedures to ensure data integrity. Those providers receiving a 4-year Operating Certificate will be invited to apply for the additional year by completing an application/application review process. The application is currently under development.

Chuck mentioned that he had agreed to present a workshop at the next ASAP Conference scheduled for October 2011 and was looking for input on possible topics to present and a co-presenter. Several provider members of the work group volunteered to work with Chuck to structure his presentation.

Open Dialogue

Kudos was given to the Technical Assistance/Systems Reform Unit for developing the new "Writing Policies and Procedures" guidance document. It was found to be detailed and very useful for writing new and in "tweaking" current policies and procedures.

Wrap Up/Adjourn

Chuck and Alexis thanked everyone for a great meeting. The next meeting is scheduled for Tuesday, September 20, 2011.