

RULE REVIEW

Office of Mental Health

Rule Review Continuation – 2011, 2006 and 2001

Pursuant to Section 207 of the State Administrative Procedure Act, notice is hereby provided of the continuation without modification of the following rules that were reviewed in 2016 by the Office of Mental Health (OMH). These rules were adopted during the calendar years 2011 and 2006. OMH adopted two additional regulations in 2001, but because those rules were promulgated via the consensus process, they are exempt from rule review. Notice that a review of regulations would be conducted, and public comment would be accepted until 45 days after date of publication, was provided in the January 6, 2016 edition of the State Register. No comments were received by OMH.

All Part and Section references are to Title 14 of the New York Codes, Rules and Regulations.

#OMH-32-11-00003-A Implementation of Medicaid Fee Reductions in Various OMH-Licensed Programs. Proposed in State Register on August 10, 2011; Adopted October 19, 2011.

Action: Amendment of three separate Parts of Title 14 NYCRR – Part 512 (Personalized Recovery Oriented Services “PROS”); Part 588 (Medical Assistance Payment for Outpatient Programs); Part 591 (Medical Assistance Payment for Comprehensive Psychiatric Emergency Programs “CPEP”).

Legal Basis: Mental Hygiene Law Sections 7.09, 43.01, and 43.02.

Justification: OMH has determined that continuation of this regulation without modification is necessary because the amendments, which implemented a 1.1% reduction to Medicaid, were required by the 2011-2012 enacted State budget. This Medicaid fee reduction applied to the following OMH-licensed programs: PROS, Day Treatment, Partial Hospitalization, Intensive Psychiatric Rehabilitation Treatment Programs and CPEP. The regulations were amended in 2012 and most recently in 2015 to reflect new rates consistent with the enacted State budget during those years.

#OMH-32-11-00004-A Medical Assistance Rates of Payment for Residential Treatment Facilities for Children and Youth. Proposed in State Register on August 10, 2011; Adopted November 2, 2011.

Action: Amendment of 14 NYCRR Part 578 (Medical Assistance Rates of Payment for Residential Treatment Facilities “RTF” for Children and Youth).

Legal Basis: Mental Hygiene Law Sections 7.09 and 43.02.

Justification: OMH has determined that continuation of this regulation without modification is necessary to adjust the reimbursement methodology for eligible pharmaceutical costs for RTFs and to freeze rates of payment to RTF providers effective July 1, 2011. The rate freeze was consistent with the 2011-2012 enacted State budget. An amendment one year later extended the freeze in rates through June 30, 2013, which was consistent with the 2012-2013 enacted State budget.

#OMH-34-11-00017-A Implementation of 1.1% Medicaid Fee Reductions for Operating Rates of Continuing Day Treatment Programs. Proposed in State Register on August 24, 2011; Adopted November 2, 2011.

Action: Amendment of 14 NYCRR Part 588 (Medical Assistance Payment for Outpatient Programs).

Legal Basis: Mental Hygiene Law Sections 7.09, 43.01, and 43.02.

Justification: OMH has determined that continuation of this regulation without modification is necessary because the amendments, which implemented a 1.1% reduction to Medicaid, were required by the 2011-2012 enacted State Budget. This Medicaid fee reduction applied to Continuing Day Treatment (CDT) Programs licensed pursuant to Article 31 of the Mental Hygiene Law and operated by agencies licensed pursuant to Article 28 of the Public Health Law, as well as CDT programs licensed solely under Article 31 of the Mental Hygiene Law.

#OMH-27-05-00003-A Patient Visiting Rights. Proposed in State Register on July 6, 2005; Continued on December 28, 2005; Adopted on July 5, 2006.

Action: Amendment of Section 527.2(c) of Title 14 NYCRR (Rights of Patients), addition of a new Section 527.10, and repeal of Part 21 (Communications and Visits).

Legal Basis: Mental Hygiene Law Sections 7.09 and 33.05.

Justification: OMH has determined that continuation of this regulation without modification is necessary because the amendments updated the standards governing visiting rights of patients in facilities under the jurisdiction of OMH and served to ensure that those standards were fully contained in 14 NYCRR Part 527.

