

**TO:** New York State Council for Behavioral Healthcare  
NYS Coalition for Children's Behavioral Health  
NYASAP  
COMPA  
The Coalition For Behavioral Health

**FROM:** Robert A. Hussar, Esq.

**DATE:** March 16, 2021

**RE:** OPRA Audit  
RR File No.: 898049.00001

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The OPRA Audit continues to be the focus of much discussion between OMIG, DOH, OMH and OASAS. While we have not received formal confirmation, it appears the agencies are nearing consensus on permitting all providers (those currently under audit as well as those that are not) to retroactively adjust past claims **if** providers had contemporaneous documentation to support an appropriate referring provider. As the relevant FAQ's clearly address, in many cases this will be the medical director or another OPRA enrolled provider that reviewed and signed the treatment plan. The process and vehicle for making such adjustments is still under discussion, as is the period for which such adjustments will be required. According to more than one source, a joint (OMIG, DOH, OASAS and OMH) guidance document is expected soon and possibly as early as later this week or next. Is it also expected that we will have the opportunity to meet with OMIG around this same time. In the meantime, providers are encouraged to continue to review their supporting documentation to identify and gather, where possible, the appropriate information to adjust their claims, once they have received the official guidance for doing so. We will keep you apprised of additional developments as we become aware of them.