



**Office of Addiction
Services and Supports**

OASAS Continued COVID- 19 Regulatory Waivers

Issued June 24, 2021

Updated August 25th, 2021

www.oasas.ny.gov

| ACTION | DATE | IMPACT | UPDATED EXPIRATION |
|---------------------|----------|--|---|
| Telepractice Waiver | 3/9/2020 | <ul style="list-style-type: none"> • 830.5.(5) - An Office certified program must obtain prior written authorization from the Office pursuant to this section before implementing telepractice services; services shall be limited to those authorized and approved by the Office... • 830.5 (5)(b) Designation. (1) & (2) Requests for designation to provide telepractice services shall be in the form of a written proposed plan and attestation... • 830.5 (5)(c) Implementation. (v) Patients and prospective patients must have at least one in-person evaluation session with clinical staff prior to participation in a telepractice session to determine if telepractice is appropriate additional evaluations may be required for medication assisted treatment using controlled substances. (2) Telepractice services must be included in a provider's quality review process. • 830.5(7) Failure to maintain minimum standards for designation, implementation and reimbursement may result in disciplinary action against a provider's operating certificate. In the event the Office determines that approval to utilize telepractice must be revoked, the Office will notify the provider in writing. The provider may request an administrative review of such decision pursuant to this paragraph... • Any other sections of Part 830 or other OASAS regulations that are inconsistent with the temporary authorization outlined below. • Allowed for Telepractice Attestation | <p>These telehealth flexibilities will be continued for an additional 60 days until October 24, 2021, or until pending amendments to 14 NYCRR Part 830 are adopted – anticipated in September 2021.</p> |

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| Telepractice Waiver Update | 3/13/20 | <ul style="list-style-type: none"> • Telephonic Delivery added to Telepractice | DOH issued emergency regulations which expire after 90 days and a new Medicaid Update to address (effective date: June 25, 2021). |
| Telepractice Waiver Update – 3/18/20 | 3/18/2020 | <ul style="list-style-type: none"> • Peer Services can be delivered via Telepractice • CASAC-T's, unlicensed practitioners, and Limited Permit holders can provide services via Telepractice • Guidance issued on telephone-only as allowable Telepractice service delivery method • MAT induction allowed via Telepractice due to guidance issued by the DEA: https://www.deadiversion.usdoj.gov/coronavirus.html | <p>DOH issued emergency regulation to address unlicensed and Limited Permit practitioner types which expire after 90 days.</p> <p>CRPAs have been permanently added as telehealth practitioners.</p> <p>MAT induction via telehealth is pursuant to the national Public Health Emergency (PHE) declared by HHS which were set to expire July 14, 2021, however the PHE has been continued, and states are expected to receive 60 days</p> |

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| <p>Regulatory Relief for Providers amid COVID-19 (updated 03/2021)</p> | <p>3/20/20</p> | <ul style="list-style-type: none"> • Waiver of regulations to allow for staffing and space in residential facilities • Use of Telepractice • Criminal Background Checks accepted from previous agencies • CASAC-T's allowed to act as QHP's • Provisional QHP's can act as QHP's • Extension of CFR to August 1, 2020 • Hold placed on expiration date for credentials effective 3/17/2020 until 3/21/2021 • Requirement to maintain records of all COVID-19 expenses • Contract recoveries and annual reconciliation withholds postponed • X restrictions lifted where necessary • Recertification Reviews suspended • No penalty for Prevention Programs not meeting standards • Support for small OTP providers | <p>notice prior to the expiration of the PHE .</p> <p>OASAS regulatory waivers which have not been rescinded are continued for an additional 60 days and will expire effective October 24, 2021.*</p> <p>CBC waiver for new applicants expired at 12:00am, June 25, 2021. CBC waivers for existing applicants hired prior to June 25, 2021 is pursuant to June 25, 2021 waiver. However, where CBCs were abbreviated in accordance with Interim Guidance, all required background checks must be submitted as soon as practicable but no later than September 25, 2021. Questions should be directed to CBC@oasas.ny.gov</p> |
| <p>COVID-19 Guidance for</p> | <p>4/19/2020 Updated</p> | <ul style="list-style-type: none"> • No toxicology testing unless benefit outweighs the risk | <p>Continued indefinitely</p> |

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| <p>Outpatient Programs</p> <p>COVID Regulatory Waiver Draft – Letter to the Field – SPA 20-48</p> <p>Outpatient Medicaid Time Duration Changes (letter to the Field)</p> | <p>6/17/2021</p> <p>Draft 5/12/2020</p> <p>Final 5/12/2021</p> <p>7/6/2020</p> | <ul style="list-style-type: none"> • Admission Procedures via Telepractice • Counseling Services: <ul style="list-style-type: none"> ○ As much as possible Telepractice ○ Social Distancing if in-person • MAT assessment and buprenorphine initiation allowed via Telepractice/Telephone • Peer Advocate Services should be provided via Telepractice including telephone • Regulatory Flexibility/Waivers: <ul style="list-style-type: none"> ○ Staffing ratios waived, sufficient staff to cover shifts/ensure safety ○ Suspension of internal UR ○ Admission procedures not medically necessary shall be postponed ○ In person medical assessment for OTP admission still required for those utilizing methadone ○ “Formal” treatment/recovery plan updates not required, BUT providers must document progress, changes through progress notes. ○ If Formal treatment plans are completed they should be signed by the appropriate level of staff. ○ Written, signed Consent for Release of information continues to be “required” unless there is a medical emergency. • Reduction in time minimums for billing services delivered via Telephone only: <ul style="list-style-type: none"> ○ Telephonic one on one contacts must be a minimum of five minutes to count as one billable service, except for: <ul style="list-style-type: none"> ▪ Individual Counseling must be 15 minutes | <p>See updated reopening guidance</p> <p>OASAS regulatory waivers which have not already been rescinded are extended an additional 60 days, effective until <u>October 24, 2021.*</u></p> <p>Programs should utilize reopening guidance previously issued.</p> |

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| | | <ul style="list-style-type: none"> ▪ Group Counseling must be 15 minutes <ul style="list-style-type: none"> ○ Services delivered via Telepractice can be done at a 25% reduction. • Additional time minimums: <ul style="list-style-type: none"> ○ IOS lowered to 2.25 hours per day ○ OPR ½ day lowered to 1.5 hours per day ○ OPR full day lowered to 3 hours per day <p>Services delivered on site can be done at a 25% reduction (this allowance ends on July 15, 2021).</p> | |

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| Executive Orders 202.5, 202.17, 202.18 | March 18, April 15, April 16 | <ul style="list-style-type: none"> • Allowed for out of state practitioners not licensed in NYS to practice in NYS. | Expired at 12:00am, June 25, 2021 |
| DFS Cost Sharing Emergency Regulations | Spring 2020 | <ul style="list-style-type: none"> • Waive co-pays for telehealth visits | Expired June 5, 2021 |

*Unless further extended at the discretion of OASAS.