



# Commissioner's Regulatory Waiver

WAIVER ISSUED TO HELP SERVICE PROVIDERS MEET LOCAL NEEDS  
WHILE MAINTAINING PROGRAM INTEGRITY.

December 20, 2021

**WHEREAS**, on October 15<sup>th</sup> 2021, United States Health and Human Services Secretary Xavier Becerra, continued a public health emergency for the United States in responding to COVID19; initiated by former Secretary Alex M. Azar II on January 31, 2020;

**WHEREAS**, on February 24<sup>th</sup>, 2021, United States President Joseph Biden, determined that it is necessary to continue the national emergency declared by former President Donald Trump in Proclamation 9994 concerning the COVID-19 pandemic, dated March 13<sup>th</sup>, 2020;

**WHEREAS**, on November 26<sup>th</sup>, 2021 Governor Kathy Hochul declared a new Disaster Emergency in the State of New York, as New York is currently experiencing COVID-19 transmission rates the state has not seen since April 2020;

**WHEREAS**, the ramifications from the COVID-19 disaster emergency continue to constitute an extreme hardship within the meaning of Part 800 of Title 14 of the NYCRR as it has created a public health crisis which threatens the health and safety of individuals with substance use disorders in the State of New York and the substance use disorder workforce, as well as the fiscal viability of substance use disorder providers; and

**WHEREAS**, the Commissioner of the New York State Office of Addiction Services and Supports (the "Commissioner") recognizes that implications from the COVID-19 disaster emergency and the resulting public health crisis, continue to present compliance challenges for regulated entities in meeting their obligations set forth in certain regulations promulgated under the New York State Mental Hygiene Law ("Mental Hygiene Law").

**NOW, THEREFORE, IT IS HEREBY ORDERED** that, pursuant to Section 800.5 of Title 14 of the NYCRR, continued temporary relief be granted to COVID-19 affected regulated entities from certain requirements within Chapter XIII of Title 14 of the NYCRR that are not otherwise required by State or Federal law, as set forth herein.

The OASAS regulatory requirements originally waived on June 25, 2021, again on August 25, 2021, and most recently on October 25, 2021, are now being extended for a 120-day period in order to meet local service needs and serve the best interests of service recipients, while maintaining program quality and integrity and ensuring the rights, health and safety of service recipients will not be diminished. No provider shall be subject to regulatory sanction for noncompliance therewith, where the provider demonstrates good faith compliance with any corresponding guidance issued by the Office of Addiction Services and Supports.

This Order shall be deemed effective as of December 20, 2021, and shall remain in effect for 120 days until stayed, modified, suspended or terminated by the Commissioner or, where applicable modified service provision or billing requirements have also received approval from the Centers of Medicare and Medicaid Services, when such federal financial participation ends prior to the conclusion of the 120-day period. Witness, my hand and official seal of the New York State Office of Addiction Services and Supports at the City of Albany, New York, this 20<sup>th</sup> day of December in the Year two thousand and twenty-one.

A handwritten signature in black ink, appearing to read 'Chinazo Cunningham', with a stylized flourish at the end.

**Chinazo Cunningham, MD**  
**Acting Commissioner of the Office of**  
**Addiction Services and Supports**