



Date: December 4, 2023

To: New York State Council Members

From: Lauri Cole, Executive Director

Re: Your 2024 NYS Council Membership Renewal

Good morning,

As we inch closer to the end of 2023, it is important to look back at the year and appreciate the incredible work we have done together, and to take stock of the challenges ahead. We reflect on what we have accomplished, how together we have demonstrated our power in a united association, and how fortunate we are to have such a strong and supportive membership in this ongoing journey to ensure all New Yorkers have access to high quality addiction and mental health services on demand and at the appropriate level of care.

We wanted to highlight just a few of our many achievements in 2023 that are paying big dividends for New Yorkers with mental health and substance use disorder conditions, as well as the providers we proudly represent. And while advocacy is our bread and butter, the NYS Council also provided operational support to the membership in the form of training, technical assistance, and sharing opportunities throughout the year. In 2024 we will continue to rollout standing workgroups beyond those we now have in place, and we will increase special technical assistance opportunities designed to meet the unique needs of our members.

### **Advocacy Achievements**

#### ***CCBHC Demonstration Program Expansion***

Over the years, the New York State Council for Community Behavioral Healthcare has remained laser focused on our true north – our commitment to ensuring access to care for the New Yorkers we serve. Despite strong headwinds, this year has seen many advances in this quest beginning with our work to compel state leaders to expand the NYS CCBHC Demonstration Program. Last December, the NYS Council promulgated a Financial Analysis we commissioned from HMA that led to the Administration's decision to expand the Program. Last week, award letters went out to 13 agencies, 10 of which are NYS Council member agencies, informing them that they have been chosen to participate in this game changing program that vastly expands access to integrated care and pays providers based on their costs.

### ***Reinvestment of Recouped Funds from MCOs***

The result of the NYS Council advocacy to compel state officials to recoup funds from MCOs yielded a recoupment of \$222M (federal and state) from MCOs that failed to meet required expenditure targets from 2019-2021, during a raging overdose epidemic and increased demand for mental health services. Since then, the state budget has included additional funds that are being returned to OMH and OASAS for subsequent recoupments. These funds continue to serve as the foundation for recent OASAS and OMH rate increases for vital programs and services including (but not limited to) the OASAS Part 820 Program, OMH and OASAS Outpatient Clinic Programs, peer support rate increases, increases for a variety of children's services, and much more. Annual recoupment of funds from MCOs that do not meet the expenditure targets continues.

### ***Statewide Leadership of Advocacy Effort to pass meaningful OMIG Audit Reform Legislation***

The NYS Council continues the fight for OMIG Audit Reform legislation. Earlier this year we revised our OMIG Audit Reform bill (A6813/S5329A) that the Governor vetoed last year. The bill would prohibit audit tactics that punish Medicaid providers who have not engaged in any type of fraud and abuse but who instead have made technical (human) errors that can result in crippling fines. We convened a coalition of 50+ associations to work together in support of our legislation. Our Executive Director also presented to members of the NYS Bar Association's Health Law Section and reviewed critical elements of our bill focusing on the significant negative consequences for providers. As a result, we received their support for our bill.

We unfortunately had significant pushback from the Assembly Ways & Means Committee regarding our bill and it did not pass this year. But our fight is not over. We will continue to focus on this issue in the coming year to ensure balance, fairness, and increased transparency for providers.

### ***Advocacy Designed to Return Outpatient Services to Medicaid Fee for Service***

For over a decade the New York State Council has been working to protect care recipients and providers as they continue to struggle with MCOs that manage BH Medicaid benefits through the state's Medicaid managed care program. We have steadily increased the intensity of our advocacy resulting in our success in compelling government to recoup scarce resources from MCOs that had not earned them due to their failure to meet contractual obligations. However, New York State has not demonstrated an appetite for robust oversight of the laws and contract provisions that govern the carve-in of our services. This has resulted in extraordinary delays in payment, administrative burdens on providers that force them to spend close to \$400K/year to transact business with the plans, and chase reimbursement from insurers. In 2024, we will continue to pursue payment reform that begins with carving out those services that can be paid via fee-for-service and working with state leaders to ensure New Yorkers can access the care they deserve on demand and at the right level of care.

## **Operational Supports for Members**

### ***Billing Geeks Meetings***

Each week, the NYS Council hosts a Billing Geeks call for billers, coders, revenue cycle management, and related staff in our member agencies. Over 100 staff from our member agencies attend these calls each week. In addition to the weekly calls, we host a Listserv for members to ask questions and share their experiences. Over 270 individuals are members of this Billing Geeks Listserv.

### ***Weekly Member Support Calls***

The NYS Council also hosts a weekly Member Support and Public Policy call with the objective to share information, address member concerns/issues, and to hear from key state leaders on a variety of topics of importance to our organizations. Our calls with Medicaid Inspector General Frank Walsh and the OMIG team, and with State Medicaid Director Amir Bassiri are just a few examples of the type of access to government leaders we continue to provide our members.

### ***Implementation of new Members Only Compliance Workgroup and Regulatory Affairs Committee***

This year, the NYS Council recognized the importance of bringing together members on the topics of Compliance and Regulatory Affairs. A Compliance Workgroup and Listserv were established to allow members the opportunity to ask questions and share their experiences related to compliance issues.

A Regulatory Affairs Committee and Listserv are also getting underway to review proposed regulations, collect data and analyze costs associated with current regulatory requirements, and lead the statewide discussion regarding the need for regulatory changes/regulatory relief.

### **2024 Membership Renewal**

Thank you for your continued support of our Association so that we may focus on our mission to lead the field and drive positive change for the individuals we serve and the organizations that serve them, beginning with our true north – our commitment to preserve and increase access to care.

As you review the attached 2024 dues calculation and invoice documents, please note that the NYS Council has not raised our dues in over two decades. For 2024, we have implemented a very slight NYS Council dues increase that will impact your payment by between \$100-\$300/annually. The only other dues increase you will experience in 2024 is related to an increase in the amount you pay if you 'opt in' for a full membership with the National Council for Mental Wellbeing. Ordinarily, a membership with the National Council would cost your agency over \$5,000 a year, but as a member of the NYS Council you will pay just \$700 for that same benefit in 2024.

We value your participation and know that together we are an unstoppable force for good. If you have ideas for how we can improve our services, I hope you will reach out to me at your convenience at (518) 461-8200.

We wish you and yours a very happy and healthy holiday season and New Year.

Lauri Cole  
Executive Director