

Additional comments regarding OMH Part 551 proposed amendments from the NYS Council for Community Behavioral Healthcare

1. 551.6 (c) Establishment of new Satellites under EZ Par – this is highly burdensome for school-based and PCP based clinics. The FTEs are quite low (often .5-2FTE's) and are often based on need. For example, a school district may initially ask us to provide services in a High School, they then determine that there is a need in an Elementary school within the same district. At present and with these proposed regulations, a whole new EZ PAR in which the reviewers ask questions like we have never provided services in this district are asked. Generally, the process takes 12 months which delays critical care to children.

Small satellites that are under 5.5 FTE's and at an established provider should be an Administrative Action rather than EZ PAR. This would be preferable to eliminate some administrative burden, and allow impacted agencies to be responsive to our partners (school districts and PCP offices)

2. 551.6 (d) (II) Administrative Action required for reduction of a Mental Health Outpatient Rehabilitative Services (MHOTRS) program that results in a staffing change less than 5.5 full-time equivalent staff and/or a change in physical space.

This would cause significant elimination of agencies abilities to operate their programs with fiscal or operational autonomy. Agencies and Health Systems require business planning internally for any changes made like this and so requiring approval from OMH would not allow licensed programs to operate effectively and efficiently.

If a MHOTRS program wanted to add a staff because there was community need, to get a prior approval/letter of support from the county DCS and then go through the Administrative Action process, it would delay needed care to people in need by months.

3. 551.10 Review of physical facility Provides where there is no substantial progress toward completion within six months from when conditional approval was issued or if a project falls six months behind the approved development schedule, conditional approval of a capital project may be rescinded, or the application may be withdrawn at the discretion of the office unless an extension of the approval is requested in writing and granted.

Six-month delays in funding, supply chain, and construction are regular occurrences in this day and age – we suggest increasing to 12 months.