



Department  
of Health

Office of  
Mental Health

Office of Alcoholism and  
Substance Abuse Services

December 15, 2015

The New York and Presbyterian Hospital PPS  
Phyllis Lantos, DSRIP Director  
Presbyterian Hospital City of New York  
177 Fort Washington Avenue, MHB1-HS 212  
New York, New York 10032

Dear Ms. Lantos:

The New York State Department of Health (Department), the Office of Mental Health (OMH), and the Office of Alcoholism and Substance Abuse Services (OASAS) are pleased to respond to the request for waivers from certain regulatory requirements submitted under the Delivery System Reform Incentive Payment (DSRIP) Program. This letter responds to the request submitted by Presbyterian Hospital, in its capacity as lead for The New York and Presbyterian Hospital Performing Provider System (PPS).

Pursuant to Public Health Law (PHL) § 2807(20)(e) and (21)(e), and in connection with DSRIP Project Plans and projects under the Capital Restructuring Financing Program, which are associated with DSRIP projects, the Department, OMH, and OASAS may waive regulations for the purpose of allowing applicants to avoid duplication of requirements and to allow the efficient implementation of the proposed projects. However, the agencies may not waive regulations pertaining to patient safety nor waive regulations if such waiver would risk patient safety. Further, any waivers approved under this authority may not exceed the life of the project or such shorter time periods as the authorizing commissioner may determine.

Accordingly, any regulatory waivers approved herein are for projects and activities as described in the Project Plan application and any implementation activities reasonably associated therewith. Such regulatory waivers may no longer apply should there be any changes in the nature of a project. It is the responsibility of the PPS and the providers that have received waivers to notify the relevant agency when they become aware of any material change in the specified project that goes beyond the scope for which the waiver was granted. Further, any regulatory waivers approved are only for the duration of the projects for which they were requested.

The approval of regulatory waivers are contingent upon the satisfaction of certain conditions. In all cases, providers must be in good standing with the relevant agency or agencies. Other conditions may be applicable, as set forth in greater detail below. The failure to satisfy any such conditions may result in the withdrawal of the approval, meaning that the providers will be required to maintain compliance with the regulatory requirements at issue and could be subject to enforcement absent such compliance.

Specific requests for regulatory waivers included in The New York and Presbyterian Hospital PPS Project Plan application are addressed below.

**Background and Justification submitted with your request:**

In order to provide optimal access for patients who DSRIP is designed to help the most, providers need to meet the patients where they are most likely to be found and when they are most likely to be receptive to services. Authorizing this waiver will support efforts for NYP PPS Network Members to provide services and interventions at community locations to meet population health goals, including at patient residences, the licensed sites of other PPS Network Members, and other community sites. Regulation 401.2(b) restricts an entity to provide services only at the sites designated in the operating certificate. The waiver would allow alternative sites of service for the provision of care and for reimbursement which would result in a substantial increase in the ease of access for patients to care, including access to providers of Article 28, 31 and 32 services in a single visit, and less use of ED and inpatient settings for primary care and behavioral health services.

**Response to Waiver Request:**

**Offsite Services or Home Visits.** Approved. The PPS requested waivers of 10 NYCRR § 401.2(b) for the purpose of allowing practitioners affiliated with Article 28 providers to provide services outside of the certified service site. The request is approved, contingent upon notification by the PPS of the specific providers, practitioners and services. However, reimbursement for the provision of such services would not be available absent approval of a State Plan Amendment (SPA) to the State Medicaid Plan and associated state regulations, both of which are being pursued by the Department. In addition, the Department will explore, through value-based payment options, incorporating more flexibility for home visits, telemedicine and team visits.

In cases where waivers are approved, the agencies will send letters directed to the providers, who otherwise would be responsible for complying with the regulatory provisions at issue. Further, providers will be advised that agency staff who conduct surveillance activities will be notified that these regulatory waivers have been approved; however, they should maintain a copy of their waiver letters at any site subject to surveillance.

Please note that the Department will publish on its website a list of regulatory waivers that have been approved to assist PPSs in determining whether additional waivers may be appropriate for the activities within a PPS. Additional requests for waivers, as well as any questions regarding the foregoing, may be sent by e-mail to [DSRIP@health.ny.gov](mailto:DSRIP@health.ny.gov) with Regulatory Waiver in the subject line.

Thank you for your cooperation with this initiative. We look forward to working with you to transform New York's delivery system.

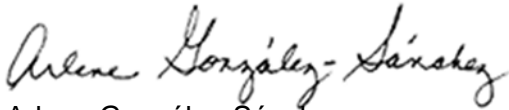
Sincerely,



Howard A. Zucker, M.D., J.D.  
Commissioner  
New York State Department of Health



Ann Marie T. Sullivan, M.D.  
Commissioner  
New York State Office of Mental Health



Arlene González-Sánchez  
Commissioner  
New York State Office of Alcoholism  
And Substance Abuse Services