



Department
of Health

Office of
Mental Health

Office of Alcoholism and
Substance Abuse Services

December 10, 2018

Finger Lakes P.P.S.
Carol Tegas
Executive Director
2100 Brighton Henrietta Town Line Road, Unit #200
Rochester, New York 14623

Dear Ms. Tegas:

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 the Finger Lakes 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 that 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 is 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.

The specific request for regulatory waiver is addressed below.

1 FLPPS 10 NYCCR 405.19(d)(2)

Background and justification provided in your request:

Per the DSRIP ED Care Triage core project requirement, patients presenting with minor illnesses who do not have a primary care provider, once required medical screening examination is performed validating a non-emergency need, patient navigators will assist the presenting patient to receive an immediate appointment with a primary care provider with whom they can establish a care relationship. For our program, we have established a Social Work based Community Health Worker (CHW) team that partners closely with ED clinical staff to implement the intervention. An integral part of this team is the nursing staff particularly those involved in our ED nurse residency program. These nurses provide the required medical screening and working with CHWs to identify medical and social determinant of health barriers for the patient population. To implement the program, we are requesting a waiver of the regulation to allow nurses to be hired to work in the ED without 1 year of clinical experience, this requirement would be replaced with a 1 year competency based residency program involving mentorship with an experienced ED nurse provider.

Response to waiver request:

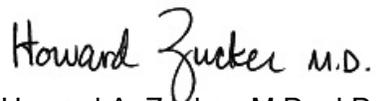
ED Nurse Experience. Approved. The request to waive 10 NYCRR 405.19(d)(2) for emergency department nurses to have at least one year of clinical experience has been approved. Emergency department nurses must have a six-month competency based clinical orientation followed by a six-month focused evaluation plan, including mentorship with an experienced ED nurse provider, as outlined in the waiver application.

In cases where waivers are approved, the agencies will send letters directed to the providers which otherwise would be responsible for complying with the regulatory provisions at issue. Providers further 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 continue to 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 email to 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

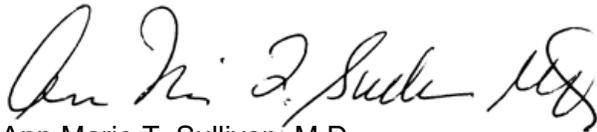
Sincerely,



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



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



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