



Department  
of Health

Office of  
Mental Health

Office of Alcoholism and  
Substance Abuse Services

December 10, 2018

Montefiore Hudson Valley Collaborative  
Allison McGuire  
3 Executive Boulevard, 3<sup>rd</sup> Floor  
Yonkers, New York 10701

Dear Ms. McGuire:

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 Montefiore Hudson Valley Collaborative 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 Montefiore 10 NYCCR 405.19(d)(2)**

**Background and justification provided in your request:**

Utilizing new graduate RN's will assist us in optimizing and retaining staffing levels in the Emergency Department to address the high utilizer population. Additional resources would be beneficial in identifying social determinants and orchestrating a proficient discharge plan. It is difficult to hire RN's for the ED and the New Graduate RN's welcome the experience and opportunity. We also have a higher retention rate of the New Graduate RN's.

**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 preceptor and meet the program requirements, 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.

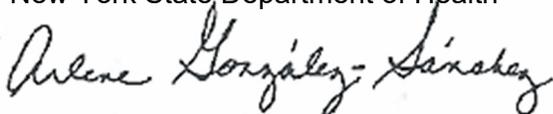
Please note that the Department will continue to publish on its website a list of regulatory waivers that have been approved to assist PPSs in determining whether additional waivers may be appropriate for the activities within a PPS. Additional requests for waivers, as well as any questions regarding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



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