



KATHY HOCHUL  
Governor

ANN MARIE T. SULLIVAN, M.D.  
Commissioner

JAMES V. McDONALD, M.D., M.P.H.  
Acting Commissioner

January 10, 2023

**Re: Reopening of Non-operational or Offline Licensed Hospital Inpatient Psychiatric Beds**

Dear Colleague:

The New York State Office of Mental Health (“OMH”) and the New York State Department of Health (“DOH”) thank our hospital partners for their continued efforts in responding to the COVID-19 emergency. While COVID-19 and other public health threats remain present across New York, hospitals must continue their efforts to return to their duly licensed operations.

OMH and DOH are aware that in order to effectively respond to the COVID-19 public health emergency, hospitals needed to make operational decisions that resulted in taking inpatient psychiatric beds offline, even while the operating certificate for the beds remained in place. We also recognize that some inpatient psychiatric beds came offline prior to the State declared public health emergency. However, as you know, there is a need for acute psychiatric inpatient capacity across the State commensurate to licensed inpatient psychiatric bed levels as reflected on hospital operating certificates. Restoring these beds to active status is a crucial component of the State’s plan to increase the availability of acute inpatient mental health services.

The goal is to re-open licensed inpatient psychiatric beds as soon as possible. Accordingly, by February 10, 2023, hospitals must either:

- Re-open all non-operational licensed inpatient psychiatric beds; or
- Submit a plan to OMH to bring all non-operational inpatient beds online by April 1, 2023. All such plans must be detailed and comprehensive and include the specific schedules for reopening offline inpatient capacity.

If your hospital has no offline inpatient psychiatric beds or is already engaged with OMH regarding the reopening of your inpatient psychiatric beds, please provide a written status update by January 24, 2023, as the expectation is that all beds will be re-opened by April 1, 2023.

Notifications and plans should be sent to: [certification@omh.ny.gov](mailto:certification@omh.ny.gov)

Failure to comply will result in immediate enforcement. This may take the form of the imposition of fines by OMH pursuant to its authority under New York State Mental Hygiene Law section 31.16 and 14 NYCRR Part 551, or other enforcement actions as

authorized by applicable statute and regulation.

Adherence to the terms of operating certifications, underlying statutes, and regulations is a matter of licensee character and competence, and failure to adhere may lead to disqualification from future OMH and DOH funding opportunities, in addition to those actions outlined above.

OMH and DOH can provide hospitals with the necessary technical support to facilitate the re-opening of inpatient psychiatric beds. Questions about this directive or requests for assistance may be sent to: [certification@omh.ny.gov](mailto:certification@omh.ny.gov). Thank you in advance for your cooperation.

Sincerely,



Dr. Ann Marie T. Sullivan  
Commissioner  
New York State Office of Mental Health



Dr. James V. McDonald  
Acting Commissioner  
New York State Department of Health

cc:

Moira Tashjian, Executive Deputy Commissioner, OMH  
Megan Baldwin, Acting Executive Deputy Commissioner, DOH  
John Morley, Deputy Commissioner, OPCHSM, DOH  
Maclain Berhaupt, Deputy Chief of Staff, OOTC, DOH  
Robert Myers, Senior Deputy Commissioner, OMH  
Jeremy Darman, Deputy Commissioner, OMH  
Gina Bae, Director, Bureau of Inspection and Certification, OMH  
OMH Field Office Directors