NEW YORK STATE OF OPPORTUNITY. | Office of Mental Health

ANDREW M. CUOMO
Governor

ANN MARIE T. SULLIVAN, M.D.
Commissioner

CHRISTOPHER TAVELLA, Ph.D.
Executive Deputy Commissioner

March 20, 2020

Dear OMH Provider:

The Office of Mental Health (OMH) appreciates the strong commitment of the community mental health system to preserve access and provide for continuity of care for the individuals and families we serve throughout New York State. You have the full assurance of the OMH that we will partner with each of your organizations in this effort.

At this time, OMH is issuing initial guidance for all State Aid funded contracts including direct contracts administered by OMH and State Aid Letter funds administered by the Local Governmental Units (LGUs).

Please know that this guidance will continue to be updated along with other mitigation strategies relating to COVID-19 responses that OMH is advancing to support ongoing operations and preserve access to the community mental health system.

If you have any questions regarding this initial guidance, please feel free to contact your representatives in the OMH regional Field Offices or April Wojtkiewicz in the Community Budget and Financial Management (CBFM) at (518) 474-5968.

Sincerely,

Emil J. Slane
Deputy Commissioner
and Chief Fiscal Officer

CC: Martha Carlin
Victoria DeSimone-Holt
Robert Moon
Christina Smith
Mark Thayer
April Wojtkiewicz
Conference of Local Mental Hygiene Directors
County Directors of Community Services (DCS)

Date Issued: March 20, 2020

OMH Guidance Regarding Use of State Aid Funding During the COVID-19 Response

The NYS Office of Mental Health (OMH) recognizes that provider agencies will have unplanned expenses related to the COVID-19 response that fall outside the scope/work plans of their current direct contracts administered by OMH and State Aid Letter funds administered by the Local Governmental Units (LGUs). To allow for the maintenance of operations, staffing and delivery of mental health services funded by OMH State Aid, OMH will recognize all COVID-19 related expenses (consistent with any and all state guidance), as allowable within existing contracts for various services.

The guidance provides additional information on the use of State funds and flexibility to preserve access and support ongoing operations during the COVID-19 response.

Contract Standards/Flexibility

- OMH will provide temporary waivers for program and utilization standards as defined in the State Aid Guidelines to allow providers appropriate funding flexibility to redirect resources to address unbudgeted costs related to the COVID-19 response. Examples of such waivers for State Aid contract standards include the following:
    - Occupancy standards for residential programs;
    - Service utilization standards for care management programs;
    - Interchange flexibility between programs; and
    - Interchange flexibility within budget categories (i.e. personnel service, non-personal service, etc.).

- Providers should submit any requests for such waivers to the OMH Field Offices and the Local Government Unit (LGU) to enable OMH and the county to offer technical assistance on any COVID-19 related costs you may be required to take for preservation of access and operations of community mental health services.

- OMH expects that any actions being taken by providers should be consistent with state guidance with the joint goal of preserving community-based services and capacity to the extent possible. However, OMH understands that providers may be required to temporarily shift resources from a lower priority program that is not fully operational during the COVID-19 response and reassign staff to preserve

access and address critical operational and patient safety needs for other programs including addressing unbudgeted costs.

- **IMPORTANT:** This guidance and flexibility applies to State Aid funded programs. OMH recently issued interim and supplemental guidance for telehealth for OMH funded programs related to Medicaid billing which can be located as follows: https://omh.ny.gov/omhweb/guidance/. OMH continues to explore any and all options to preserve access to services and mitigate potential revenue loss of providers.

Consolidated Fiscal Reporting (CFR) Deadlines/Sanctions

- OMH issued guidance (on March 18, 2020) to all OMH licensed and funded providers that the May 1, 2020 deadline for the January 1, 2019 – December 31, 2019 for CFR submissions has been extended to August 1, 2020. This guidance has been sent through e-mail to all OMH providers and is posted on the OMH guidance documents webpage: https://omh.ny.gov/omhweb/guidance/

- At this time, OMH will not apply any contract sanctions or withholds on State Aid payments or Medicaid claims for failing to submit CFR reporting within the required deadlines.

State Aid – Direct Contract Payments and Close-outs:

- Providers and municipalities will receive their scheduled April quarterly payments within the required contract and State Aid Letter allocations. OMH is putting processes in place to ensure that scheduled payments will not be disrupted at any time during this period of uncertainty. Additionally, OMH will continue to ensure that contract renewals and amendments that are already in process will continue through the approval process in an expedited manner.

- Providers and counties requiring any technical assistance to complete and execute already issued and pending State Aid contracts should immediately reach out to your OMH Field Office and/or Community Budget and Financial Management. OMH staff will assist you in the effort.

- At this time, OMH will temporarily suspend issuance of all State Aid close-outs to allow providers to focus their administrative resources and attention to preserving operations and any required COVID-19 responses.

Audits:

- Since the primary focus of providers should be on preserving access and operations with the COVID -19 response, OMH will grant extensions on responses to any pending completed audits, temporarily suspend existing audits underway and postpone opening conferences and new audits until further notice. Providers engaged in any such audit will be contacted directly once the State suspension is lifted and such activities resume.

Reporting\Monitoring:

- It is important that each provider agency track any, and all, COVID-19 related expenses. In addition, providers should consult with their respective Field Office and/or Community Budget and Financial Management regarding any extraordinary costs related to State Aid funded programs associated with the COVID-19 response that may not be accommodated within your contract allocations.

- OMH will be exploring potential Federal and State resources to address these challenges and will be able to give you guidance as needed as you navigate these unprecedented decisions for your provider agency.