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To: Personalized Recovery Oriented Services (PROS) Programs
From: NYS Office of Mental Health (OMH)
Date: 06/29/2023
Subject: Participant Signatures on Individualized Recovery Plans (IRP)

Background

The purpose of this memo is to clarify IRP signature requirements for participants who receive PROS exclusively through telehealth and are not available onsite to sign the IRP in person. OMH regulations codified at 14 NYCRR § 512.8(b) require the participant's signature be obtained on the IRP within seven days of the date that the IRP is developed. However, participant signatures may be obtained later in situations where the individual is out of contact with the program for any reason. NYS Medicaid rules also require that IRPs be approved by the participant, however they do not dictate how this approval must be documented. When a participant is not available on site to sign the IRP and their signature is not able to be obtained through other means, all IRPs must still be reviewed and approved by the participant in order to comply with OMH regulations and Medicaid rules.

Guidance on Participant Signature Requirements on the IRP

Signing the IRP is an empowering act that places the participant in the driver's seat of their recovery. When a participant chooses to receive services remotely through telehealth, PROS programs must make a good faith effort to obtain their signature on the IRP. Participant signatures may be obtained through secure electronic signatures, mail, home or community-based sessions with the participant, or by encouraging the participant to receive occasional services on-site where they can review and sign the IRP in person. If these options are not viable, or if the time that these options take exceeds seven days from the date the IRP is developed, the PROS program must document the participant's *verbal approval* of the IRP in the case record in lieu of a signature within seven days. **Programs must obtain the participant's signature on the IRP upon their return to the program and document all attempts to obtain the participant's signature in the case record.**

This guidance is specific to the IRP signature requirement and does not apply to signatures necessary for other purposes like HIPAA authorizations or other consents to share protected health information. This guidance also does not apply to required staff signatures on IRPs.