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September 5, 2021

Kelly Grace
Attorney
New York State Office of Addiction Services and Supports
1450 Western Avenue
Albany, New York 12203-3526

Submitted electronically: kelly.grace@oasas.ny.gov

RE: 14 NYCRR Part 800

Dear Ms. Grace:

The Healthcare Association of New York State, on behalf of our member nonprofit and public hospitals, nursing homes, home health agencies and other healthcare providers, appreciates the opportunity to comment on the proposed revisions to 14 NYCRR Part 800: Designated Services regulations.

HANYYS supports OASAS' efforts to update regulations to reflect current definitions and guidance, and address disparities in access to care. The proposed amendments generally remove unnecessary administrative burdens, and offer a framework to increase access to treatment and quality care for underserved populations. We offer the following comments to OASAS.

Priority admission §800.5(a)

Section 800.5(a) requires programs to develop policies and procedures to address and make efforts to reduce disparities in access, quality of care and treatment outcomes and which prohibit discrimination. Many members already have priority admission policies and procedures in place. While they are not always able to guarantee "immediate" admission due to operational constraints, they can do so within 24 hours. HANYYS recommends that OASAS issue guidance or change the language in the regulation to reflect the need for operational flexibility within a reasonable timeframe for priority admissions.

Records retention §800.5(d)

Section 800.5(d) will require providers to retain patient records for ten years after the date of discharge or last contact, or three years after the patient reaches the age of eighteen, whichever period is longer. For programs that do not currently adhere to a ten-year record retention policy, this change will pose significant administrative burdens and result in costly investments.

While HANYS understands that OASAS is proposing to align the timeframe in light of the Supreme Court's decision in *Cochise Consultancy, Inc. v. United States ex rel. Hunt*, 139 S.Ct. 1507 (2019), we are concerned that the cost of retaining records for additional 4 years will be fiscally harmful. Until there is clear guidance or direction from the federal government that states should change the period to 10 years, HANYS urges OASAS to remain consistent with the current New York state standards of 6 years.

HANYS appreciates the opportunity to provide feedback and is here to support OASAS through these deliberations. If you have questions regarding our comments, please contact me at 518.431.7730 or jgold@hanys.org; or Sarah DuVall, director, behavioral health, at 518.431.7769 or sduvall@hanys.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey A. Gold". The signature is written in a cursive style with a large initial "J" and "G".

Jeff Gold, Esq.
Senior Vice President and Special Counsel, Managed Care and Insurance