



Always There for Healthcare

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June 25, 2022

Ann Marie T. Sullivan, MD
Commissioner
New York State Office of Mental Health
44 Holland Avenue
Albany, NY 12229

Submitted electronically: regs@omh.ny.gov

Dear Commissioner Sullivan:

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, welcomes the opportunity to comment on proposed changes to Part 596 of Title 14, New York Codes, Rules, and Regulations.

HANYYS commends OMH for recognizing telehealth as an important tool for providing care. Telehealth is critical to overcoming longstanding obstacles to mental health treatment, including stigma, access to local professionals and transportation. Telehealth is also alleviating persistent workforce challenges, especially among prescribing professionals in underserved areas.

We offer the following specific comments.

Definitions (§ 596.4)

HANYYS strongly supports the expanded definitions of “originating site,” “telehealth practitioners” and “telehealth services.” These changes have removed unnecessary administrative obstacles, ensured more mental health professionals are available during persistent, severe workforce shortages and addressed inequities in access to care.

We recommend that OMH include text messaging in the definition of telehealth services. Text messaging can provide opportunities for patients in environments where audio conversations would prohibit them from otherwise receiving care.

Approval (§596.5)

HANYYS supports the requirement to only submit policies and procedures and an attestation instead of a written plan. Removing requirements for a written plan will decrease administrative burdens and delays in delivery of telehealth services. HANYYS urges OMH to continue efforts to streamline the designation process, including review of policies and procedures.

HANYS also supports the removal of the prior restrictions on telehealth services for Personalized Recovery Oriented Services programs and Assertive Community Treatment teams.

Requirements (§596.6)

HANYS strongly supports the flexibility to use telehealth services to satisfy specific statutory examination, evaluation or assessment requirements pursuant to Section 9.27 and 9.39 of Mental Hygiene Law.

HANYS strongly supports removal of the requirement for patients to receive an initial in-person visit. Patients who experience transportation and/or mobility challenges have especially benefited from the ability to receive behavioral healthcare through telehealth.

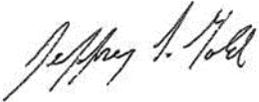
HANYS urges OMH not to include requirements for written consent in the guidance as the process creates unnecessary administrative delays for access to care.

Guidelines of the office (§596.7)

Inadequate reimbursement is a longstanding barrier to the expansion of telehealth in New York. HANYS applauds OMH for including telehealth payment parity.

We look forward to continued opportunities to engage with your office. If you have questions, 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,



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