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**FAQ from Provider Update Webinar (03/29/19)
05/30/19**

The following Frequently Asked Questions has been developed based on questions submitted during and after the Adult BH HCBS Provider Update Webinar hosted by MCTAC on 03/29/19. The webinar provided an overview of the new Oversight Policy, an introduction to the Terms and Conditions for Adult BH HCBS Providers, a review of the Authorization Attestation process, and a preview of the updated staff training requirements. The recorded webinar and slides are available on [MCTAC's website](#).

Throughout this FAQ, you will see answers that are broken out by Host Agency (OMH or OASAS). It is important that you know who your Host Agency is so that you are aware of the most current guidance and information that pertains to Adult BH HCBS at your organization.

- 1) **Q:** *How will my organization know which state agency is our Host Agency?*
A: Your organization's Host Agency for Adult BH HCBS was identified in the bottom of the email your organization received on **April 4th (NYC)** or **April 8th (ROS)** from Adult-BH-HCBS@omh.ny.gov.
If you cannot locate this email, please contact [OMH](#) or [OASAS](#).
- 2) **Q:** *How much notice will Adult BH HCBS providers get before the site visits?*
A: There are no requirements to provide advanced notice of site visits. This will be at the discretion of the review team.
- 3) **Q:** *Does my organization need to sign the attestation if we already submitted one related to Adult BH HCBS in the past?*
A: Yes. All Adult BH HCBS providers are required to complete the *Authorization Attestation* form. By signing this form, your CEO (or designee) is attesting to your organization's compliance with the Terms and Conditions for Adult BH HCBS.
- 4) **Q:** *For a small provider which is nowhere near the threshold of \$500,000 in Medicaid billing or claiming, is it necessary to create a Compliance Program, or is a Compliance Policy & Procedure adequate?*
A: For providers who do not reach the \$500,000 threshold, an internal Compliance Policy & Procedure is adequate to meet the Terms and Conditions for Adult BH HCBS Providers.
- 5) **Q:** *If an Adult BH HCBS Provider is not otherwise certified or licensed by OASAS or OMH, how does it get started with the required background/pre-employment checks?*
A: **OMH-Hosted providers:** Agencies who did not yet have an agency code were asked to complete an Agency Contact Form in the email sent April 4th (NYS) or April 8th (ROS). If you are unaware of your agency code, please [contact us](#). Once provided with an agency code, you will be automatically added to the Justice Center's CBC system, linking your agency code to OMH's ORI number. Information and the necessary forms needed to access the SEL (Staff Exclusion List), CBC (Criminal Background Check) and SCR (Statewide Central Register, aka the Child Abuse and Maltreatment Register) systems can be found on the [OMH website](#).

OASAS-Hosted providers: Please review OASAS's [Criminal Background Check Process: A Provider's Guide](#) for guidance regarding background checks.

6) **Q:** *Our agency already does background/pre-employment checks. Do we need to do anything different for Adult BH HCBS?*

A: **OMH-Hosted providers:** If you currently complete the 3 required pre-employment checks for the OMH, then no further action should be needed. If you complete the 3 pre-employment checks for OASAS, OPWDD and/or OCFS, your agency will automatically be associated with the OMH ORI number, thus allowing you to also complete pre-employment checks for the OMH. You should not need to submit new forms to do the required OMH pre-employment checks.

OASAS-Hosted providers: The Criminal Background Check (CBC) must follow all OASAS rules and regulations. See the [OASAS CBC System Authorized Person User Manual](#) for more information. Some providers that have an OMH license may have employees who can obtain waivers; information regarding such waivers can be found in the manual hyperlinked above.

7) **Q:** *Is it a requirement that we complete the Statewide Central Register (SCR, aka the Child Abuse and Maltreatment Register) check on all Adult BH HCBS staff? If so, how do we do that check?*

A: Yes, in accordance with MHL 31.35, 14 NYCRR 550, 14 NYCRR 816 and SSL 424-a a check of The Statewide Central Register (SCR) is a background/pre-employment requirement.

To access the SCR, you will need to acquire a Resource ID (RID) number, if your agency does not already have one. Refer to links in Answer #5 for more information.

8) **Q:** *Does Adult BH HCBS fall under the jurisdiction of the Justice Center for the Protection of People with Special Needs?*

A: The Justice Center has jurisdiction over background/pre-employment checks AND incident reporting. However, whether specific programs and service types are subject to Justice Center jurisdiction in these two areas varies.

As stated in the Q&A above, Adult BH HCBS providers *are* subject to the Justice Center rules regarding background/pre-employment checks. Adult BH HCBS providers *are not* subject to Justice Center incident reporting requirements.

9) **Q:** *What are the requirements for incident reporting?*

A: At this time, Adult BH HCBS providers must have their own internal Policy and Procedure for incident reporting to comply with the Terms and Conditions for Adult BH HCBS Providers.

10) **Q:** *We are new to the Consolidated Fiscal Report (CFR) process and have never completed a CFR. Where can I find more information?*

A: The following are links to useful information for completing a Consolidated Fiscal Report.

- CFR Training Videos are available [here on YouTube](#).
- CFR Manuals and forms are available for download from the [CFR Manual Home Page](#).

- CFRS software (v.32) is available for download on the [CFRS Home Page](#).
- Service providers may sign up for the [CFRS Mailing List](#) to be notified when software is available for download and when software patches are released.

(Question 10, answer cont.)

OMH-Hosted providers: Contact your local OMH field office for further details.

OASAS Hosted providers: OASAS will be providing additional guidance to all OASAS-hosted providers.

- 11) **Q:** *Do we need to file a CFR if we haven't provided Adult BH HCBS?*
- A:** An organization will only be required to report on their CFR if they have received funding (e.g. claims paid by the HARP, Infrastructure Funding, Start-Up Funds, etc.) to operate Adult BH HCBS.
- 12) **Q:** *If we are a provider of other OMH and/or OASAS services, are we already enrolled in the CFR or is there a specific enrollment for Adult BH HCBS?*
- A:** **OMH-Hosted providers:** Organizations which have previously filed a CFR with OMH will need to add Adult BH HCBS to their current CFR process.
- OASAS-Hosted providers:** Organizations which have previously filed a CFR with OASAS will need to add Adult BH HCBS service codes to the CFR. Providers will need a new PRU for their Adult BH HCBS services and OASAS will be issuing guidance to the providers on how to obtain such PRU.
- 13) **Q:** *If we have not filed a CFR for Adult BH HBCS for previous fiscal years, can we go back and file it now?*
- A:** Yes.
- 14) **Q:** *Are the Center for Practice Innovation (CPI) trainings discussed in the webinar required for Adult BH HCBS employees?*
- A:** Yes. All direct service providers (staff, interns, and volunteers) and supervisors are required to complete Adult BH HCBS-specific training within defined timelines. Details regarding these requirements and timeframes have been provided in a memo released via the Adult BH HCBS listserv and are posted on the [OMH website](#).
- 15) **Q:** *Can we use CPI for all our agency staff members or is registration limited to our Adult BH HCBS provider staff?*
- A:** Access to CPI Learning Management System is granted to one agency contact who can then assign access to individual staff members. The agency may use their discretion regarding allowing additional staff to participate in the trainings.
- 16) **Q:** *If we have not completed these trainings yet, are we already out of compliance?*
- A:** No. Please see the [training memo](#) (4/23/19) for more information. Current staff must complete trainings within 90 days of date of guidance (07/22/19), newly hired staff must complete trainings within 60 days from date of hire. The Authorization Attestation is attesting to the agency's enrollment within the learning management system (LMS), not to completion of the required trainings.

17) **Q:** *Is Medicaid provider enrollment required for Adult BH HCBS?*

A: Yes, the 21st Century Cures Act (2016) requires Medicaid enrollment for all Medicaid providers, including Adult BH HCBS.

Currently, the NYS Department of Health (DOH) eMedNY system is unable to accept applications for Adult BH HCBS as a provider type. OMH and OASAS are working with DOH to have this provider type added to a category of service. At this time, any Provider Agency that is currently enrolled under any other provider type (e.g. PROS) must maintain their standing as a Medicaid provider. Additionally, any individual staff person who provides Medicaid services and is an enrollable provider type (e.g. LCSW) must enroll. As soon as Adult BH HCBS is made an enrollable provider, we will notify organizations that have not yet enrolled so that they can begin that process and come into compliance with the Cures Act.

18) **Q:** *Can a provider remove some services for which it has been previously designated?*

A: Yes, you may withdraw any service or site if you are no longer providing the service. Please contact the [Adult BH HCBS mailbox](#) for information regarding withdrawal of designation, as per the [Oversight Policy](#).

19) **Q:** *How will future information and guidance regarding Adult BH HCBS be distributed?*

A: For provider-specific information, OMH and OASAS use the primary contact and Executive Director contact information listed on your application to provide Adult BH HCBS. General information, guidance and announcements are sent via the Adult BH HCBS listserv. To update contact information for anyone listed in the application or to subscribe to the listserv, please contact the [Adult BH HCBS mailbox](#).

Technical Assistance

Technical Assistance is available through MCTAC and the State Partners. For questions regarding the Provider Update, including the Oversight Policy, Terms and Conditions, Authorization Attestation, and Training Requirements, please contact OMH and OASAS via email (see below).

- **For OMH-Hosted providers:** Contact the OMH Bureau of Rehabilitation Services & Care Coordination at Adult-BH-HCBS@omh.ny.gov
- **For OASAS Host Agency providers:** Contact the OASAS Division of Practice Innovation & Care Management at PICM@oasas.ny.gov