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To: Licensed Children's Mental Health Rehabilitation Services Programs

From: Ann Marie T. Sullivan, M.D., Commissioner

A handwritten signature in black ink, appearing to read "Ann Marie T. Sullivan M.D.", written over the printed name in the "From:" field.

Date: July 22, 2020

Subject: CMHRS Regulation Waiver Extension to July 2021

On July 17, 2019, the NYS Office of Mental Health (OMH) adopted the regulation for Part 511-2 to Title 14 NYCRR Children's Mental Health Rehabilitation Services (CMHRS) Programs, which includes the direct provision of Other Licensed Practitioner and Community Psychiatric Treatment and Supports, and, either the direct provision of Psychosocial Rehabilitation, Family Peer Support Services, and Youth Peer Advocacy and Training, or the offering of those three services through a formal agreement with another designated provider. This regulation requires that each CMHRS program assure access to all services, whether they provide them directly or through agreement with another designated provider.

The services available under the CMHRS program are newly developed serves under the Children's Medicaid Transformation, authorized under the Early and Periodic Screening, Diagnostic and Treatment (EPSDT) in the State Plan. Three of the services were implemented on January 1, 2019: Other Licensed Practitioner and Community Psychiatric Treatment and Supports, and Psychosocial Rehabilitation. Family Peer Support Services were implemented as a State Plan service on July 1, 2019, and Youth Peer Support and Training was implemented under the State Plan on January 1, 2020.

Given the relatively recent implementation of these services, particularly Youth Peer Support and Training, in addition to unanticipated changes and complications associated with the global COVID-19 pandemic, NYS recognizes that provider agencies are still engaged in efforts to develop capacity. Therefore, the availability of all offered services, particularly Psychosocial Rehabilitation, Family Peer Support Services, and Youth Peer Advocacy and Training, may require time to grow with the goal of creating access on a statewide basis. Therefore, effective July 1, 2020, and in accordance with 14 NYCRR 501, OMH is temporarily waiving certain regulatory provisions within 14 NYCRR 511-2 to allow for service growth and availability, specifically for the direct provision or establishment of a formal agreement for one of more of the following services: Psychosocial Rehabilitation, Family Peer Support Services, and Youth Peer Advocacy and Training.

The OMH regulatory provisions within 14 NYCRR Section 511-2.5 that will be waived are:

- 511-2.5 (a) CMHRS programs shall be responsible for assuring the delivery of the following services for children deemed eligible for receipt: Other Licensed Practitioner, Community Psychiatric Supports and Treatment, Psychosocial Rehabilitation, Family Peer Support Services, and Youth Peer Support and Training.
- 511-2.5 (c) Each of the following services shall be offered by CMHRS programs, either directly or through an agreement with a designated provider:
 - (1) *Psychosocial Rehabilitation (PSR)* is a skill building service to restore, rehabilitate, and support a child's developmentally appropriate functioning to enhance community integration. PSR must include assisting the child to develop and apply skills in natural settings. PSR assists youth to implement interventions on their treatment plan to compensate for, or eliminate, functional deficits associated with their mental health condition(s).
 - (2) *Family Peer Support Services (FPSS)* are activities and supports provided by NYS Credentialed Family Peer Advocates (FPA) to families for the benefit of a child experiencing mental health challenges in their home, and/or community. FPSS assists with developing and linking with formal and informal supports; assisting in the development of goals; serving as an advocate, mentor, and teaching skills necessary to improve coping abilities for the benefit of the child.
 - (3) *Youth Peer Support and Training (YPST)* services are provided by NYS Credentialed Youth Peer Advocates (YPA) to children who are experiencing mental health challenges in their home, and/or community. YPST provides training and support necessary to ensure engagement and active participation of the child in the treatment planning process and with the ongoing implementation and reinforcement of skills through activities including, but not limited to: skill building, coaching, transition support, self-advocacy, empowerment and connection to community resources.

This waiver will temporarily release the expectation for ensuring full access to PSR, FPSS, and YPST by either direct provision by the CMHRS program provider agency or by agreement with a designated provider. It will help to address the delayed implementation of YPST into the State Plan. In addition, it will enable CMHRS programs to continue with existing efforts to build capacity, while also cultivating relationships with the designated providers in their catchment area(s) to develop full and equitable access to services as currently delineated Section § 511-2.5 Service Categories and Requirements.

This waiver, applying to all OMH licensed CMHRS programs, is effective beginning July 17, 2019, and was initially valid until July 17, 2020, has been extended to July 17, 2021 due to the impact of COVID-19; at which time OMH will reevaluate the need for the waiver based on achieved service growth and availability on a statewide basis.

If you have any questions, please contact DCFS@omh.ny.gov.