



Office of  
Mental Health

ANDREW M. CUOMO  
Governor

ANN MARIE T. SULLIVAN, M.D.  
Commissioner

CHRISTOPHER TAVELLA, Ph.D.  
Executive Deputy Commissioner

April 25, 2018

Department of Health (DOH) Health Homes and  
Health Home Care Management Agencies,  
Medicaid Managed Care Organization Plans,  
State Designated Assessor Agencies for Adult  
BH HCBS

To whom it may concern,

The New York State Office of Mental Health (OMH) and Department of Health (DOH) are engaged in ongoing communications with the Center for Medicare and Medicaid Services (CMS) regarding compliance with the Behavioral Health Home and Community Based Services (BH HCBS) Federal Settings Rule (42 CFR 441.301, et. seq).

We are pleased to announce that CMS has confirmed that individuals that are considered street homeless and individuals that reside in homeless shelters are allowed access to 1115 Health and Recovery Plan (HARP) home and community based services.

CMS reiterated that individuals must not be required to receive services from a particular provider as a condition of their placement in a shelter. For individuals enrolled in HARP, the HARP – with the Health Home Case Manager or Recovery Coordinator developing the HCBS Plan of Care - will ensure that individuals are offered choice in services. Options in which to receive services will include non-disability specific settings.

We hope this clarification supports ongoing efforts to ensure HARP enrollees understand and have access to these important services. HARP enrollees who are also homeless could benefit significantly from Adult BH HCBS. Care managers and HARPs should continue to support access for these members. For additional questions or concerns please email the official OMH HCBS settings mailbox, [hcbs-residential@omh.ny.gov](mailto:hcbs-residential@omh.ny.gov).

Sincerely,

Robert W. Myers, Ph.D.  
Senior Deputy Commissioner

Cc: Ann Marie T. Sullivan, M.D.  
Christopher Tavella, Ph.D.



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