



**Office of Alcoholism and
Substance Abuse Services**

ANDREW M. CUOMO
Governor

ARLENE GONZÁLEZ-SÁNCHEZ, M.S., L.M.S.W.
Commissioner

November 13, 2017

Re: Addiction Treatment Services for Native Americans with Medicaid Fee for Service

Dear OASAS Providers,

A patient who is an enrolled member of any federally recognized tribal nation qualifies for services under a Medicaid Fee-For-Service plan. Native Americans *may* join the Medicaid Managed Care Program, but are not required to do so¹.

Providers operating certified programs funded by OASAS are obligated to accept and provide treatment for any individual who seeks care, regardless of ability to pay.² All certified, funded or otherwise authorized OASAS providers are obligated to provide treatment to Native Americans who are enrolled in Fee-For-Service Medicaid. Providers cannot require or request that enrolled members of federally recognized tribal nations enroll in a Medicaid Managed Care program as a condition to access addiction treatment services.

For information on billing under Medicaid Fee for Service, please visit:

<https://oasas.ny.gov/admin/hcf/index.cfm>

For questions concerning billing please contact: PICM@oasas.ny.gov.

Native American's denied treatment based on Medicaid Fee for Service status or who experience coercion to enter a Medicaid Managed Care Plan, should be directed to immediately contact PatientAdvocacy@oasas.ny.gov and Legal@oasas.ny.gov.

Thank you,

Robert Kent
OASAS General Counsel

¹ NYS Social Services Law § 363-j(3)

² 14 NYCRR Part 815.4j (Patient Rights) ; 14 NYCRR Part 841.6a (Medical Assistance for Chemical Dependence Services)