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 so\(^1\).

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)