

## OASAS Guidance on Establishing an Additional Location Pursuant to Part 822

### Introduction:

OASAS is committed to providing accessible addiction treatment to individuals in need. Accessible services for the purpose of this guidance is indicative of ease of access within a geographic region. Services delivered in the Community and Additional Locations are two key avenues to provide access to treatment. This document will discuss the differences between these two options and offer areas of consideration for providers to assess when deciding if establishing an Additional Location is the best way for reaching a target population.

Should providers have questions on when it is appropriate to establish an additional location, questions may be directed to the appropriate Regional Office, the [Legal Mailbox](#) and the [PICM mailbox](#) for agency input.

### Services in the Community:

Authority:

[State Plan Amendment \(SPA\)# 16-0004](#): Outpatient addiction services are delivered on an individual or group basis in a wide variety of settings including provider offices, in the community or in the individual's place of residence. These outpatient addiction services may be provided on site or on a mobile basis as defined by the New York State Office of Alcoholism and Substance Abuse Services (OASAS). Addiction services may not be provided in inpatient or outpatient hospital settings. The setting in which the service is provided will be determined by the identified goal to be achieved in the individual's written treatment plan.

Geographic Location:

- No limitations in terms of distance from the originating site
- In the Community
- In the individual's place of residence
- Not allowed in inpatient or outpatient hospital settings

Service Delivery:

- To individuals admitted to treatment and/or seeking admission to treatment from an OASAS certified Part 822 Outpatient Clinic or Opioid Treatment Program (OTP)
- As identified in the treatment/recovery plan
- In compliance with Medicaid billing requirements
- In accordance with 42 CFR Part 2 and HIPPA
- No limitations on the volume of services provided

Staffing:

Services may be provided by any of the provider's clinical or medical staff

#### Policies and Procedures:

Providers should have policies and procedures regarding the delivery of services in the community including but not limited to:

- Settings where services may be provided
- Protocol for when services are provided in community
- Documentation of services
- Provisions for both staff and patient privacy, confidentiality and safety

#### Reimbursement:

- Medicaid reimbursable
- Commercial plans may or may not cover the service depending on their contract with the provider.
- Claims should reflect the onsite facility location for billing address.

#### Restrictions:

- May not be used to do Screening services for a general population, e.g. criminal justice or child welfare setting.
- The in-community services authority is not intended to obviate the need for establishing additional locations for outpatient service delivery. Where services are delivered on a regular and continuous basis in a location that the publicly recognized as an addiction treatment setting, providers should seek to establish an additional location in accordance with this guidance.

Application: No additional applications are required to provide Services in the Community.

#### **Additional Locations:**

##### Authority:

OASAS programs certified pursuant to 14 NYCRR Part 822 may submit an application to establish an additional outpatient location, in accordance with the provisions of 14 NYCRR Parts 810 and 822 and this guidance. An additional location must be available to the public for the provision of substance use disorder outpatient services and report to a primary certified outpatient program for its operation, supervisory and administrative functions.

##### Geographic Location:

- A certified provider of outpatient services may operate one or more additional locations, with the approval of the Commissioner.

- The additional location must be located in the same county or a county contiguous to the main location. A regulatory waiver may be considered upon application.
- The location must have space to allow for the type and volume of services provided.

#### Service delivery:

- The additional location must be dependent upon and subordinate to the main outpatient location and therefore the volume of services delivered at the additional location may not exceed the total volume of services delivered at the main location.
- Providers are expected to identify the type and volume of service delivery expected and must, at a minimum, provide assessment, counseling and treatment planning.

#### Staffing:

- There shall be sufficient clinical/medical staffing, including an appropriate number of qualified health professionals to provide the type and volume of services proposed.
- At minimum, one qualified health professional shall be onsite at all times the additional location is open.

#### Policies & Procedures:

Providers should have policies and procedures regarding the delivery of services at the additional location including but not limited to

- Provision of services and
- Administrative functions of the additional location in accordance with
  - all regulatory provisions and
  - guidance issued by OASAS, including
  - addressing the subordinate relationship with the main location
  - the character and quality of services delivered.
- Determination of when/if a new program needs to be established in lieu of the additional location, e.g. units of service exceeds limits, etc.

#### Reimbursement:

- Medicaid reimbursable
- Commercial plan reimbursable
- Claims should reflect the onsite facility location for billing address.

#### Restrictions:

- Not available for Outpatient Rehabilitation Services
- Programs certified as an Opioid Treatment Program may establish an “additional location” or “medication unit” in accordance with the provisions of Parts 810 and 822 as well as relevant guidance from the Office. Interested providers should contact Jason Rubinfeld ([Jason.Rubinfeld@oasas.ny.gov](mailto:Jason.Rubinfeld@oasas.ny.gov)) and the PICM mailbox ([PICM@oasas.ny.gov](mailto:PICM@oasas.ny.gov)).

- The Additional Location is not intended to obviate the need for establishing a standalone program for outpatient service delivery. Providers should seek to establish an additional location in accordance with this guidance.
  - Where services are delivered on a regular and continuous basis, at a volume exceeding
    - the primary location volume and/or
    - limits of staffing.
    - limits of space

Application:

- A provider may submit an [Additional Outpatient Location Application](#) to establish an additional location clearly indicating the need for access to outpatient services at the site proposed, the financial and programmatic ability to provide such service, the characteristics of the space, the schedule of services, and the staffing.
- The application will be reviewed in accordance with the administrative review process pursuant to 14 NYCRR Part 810.

Resources:

- [In Community Services Guidance Document](#)
- [Part 822 Regulations](#) – current
- [Part 822 Regulations](#) – August 2021
- [Part 810 Certification Regulations](#)
- [OASAS Medicaid APG Clinical and Billing Manual](#)