

TRANSPARENCY PLAN UPDATE: January 31, 2024

AGENCY NAME: Office of Mental Health (OMH)

DELIVERABLES ACHIEVED SINCE 2021

Behavioral Health Medicaid Managed Care and Parity Compliance - OMH has developed a dedicated page on the OMH website where consumers can access reports and information on Behavioral Health Managed Care, including parity violations, citations related to lack of compliance, and the status of behavioral health expenditure targets and recoupment.

1. **Behavioral Health (BH) Medicaid Managed Care (MMC) citations:** Since 2019, the State (OMH and the Department of Health (DOH) jointly) has issued 218 citations to MMC Plans for failure to pay claims or failure to provide adequate evidence that there is sufficient access to BH services (Mental Health Parity). DOH (https://www.health.ny.gov/health_care/managed_care/reports/) and OMH (<https://omh.ny.gov/omhweb/bho/focused-surveys.html>) have both created webpages dedicated to posting complete citations (i.e. citations that have gone through the full process). Additionally, OMH has added information and dollar figures associated with fines for MMC Plans who have been issued repeat citations related to inappropriate behavioral health claims denials.
2. **Mental Health Parity reporting data:** OMH and the Department of Financial Services (DFS) have worked together to collect Parity data from health insurers which reveals where there are potential violations that are restricting access to BH care. This information informs the public and demonstrates that the State is monitoring this issue. The 2021-2022 Parity Reports submitted by insurers are posted on the DFS website (https://www.dfs.ny.gov/reports_and_publications/mhsud_reports). OMH has created and posted a Mental Health Parity report for the most recent 2019-2020 commercial plan data. The report is posted as an excel file to the OMH Parity website (<https://omh.ny.gov/omhweb/bho/parity.html>; Reports and Oversight) and presents the information in a helpful way to consumers. Future reports will also be posted in this location.
3. **Behavioral Health (BH) Medicaid Managed Care and Fee For Service Spending:** While the State continues its work to fully comply with the statutory requirements of the behavioral health transition to MMC, it is imperative to share any factual information on Medicaid spending, compliance with statutory and contract protections, recoveries issued pursuant to the Medical Loss Ratio (MLR) and Behavioral Health Expenditure Targets (BHET), and statutory reinvestment requirements. Information related to the BHET/MLR recoveries was included in the Managed Care section of OMH's Section 5.07 Report at: <https://my.visme.co/v/g7g1vdyo-mppw8kn#s1>. The information contained in this Report is not Medicaid Managed Care Plan (MMCP) specific. Additionally, OMH created a new section of the managed care page for BH managed care reports that

includes a link to the Final Report on Managed Care Organization Services as commissioned by the New York State Legislature in Section 1 of Part P of Chapter 57 of the Laws of 2022: <https://omh.ny.gov/omhweb/bho/managed-care-reports.html>. The report references several areas of MMCP noncompliance found during the surveys linked above and here: <https://omh.ny.gov/omhweb/bho/focused-surveys.html>.

4. **BH Medical Necessity Criteria Reviews:** NYS statute requires that OMH, under the direction of the Commissioner, must review and approve all Behavioral Health Medical Necessity Criteria used by health insurers (with comprehensive benefit packages) to approve or deny mental health care. OMH reviewed all health plan submissions and worked to bring all insurers, except for one (as of January 2024), into compliance with OMH's published standards. OMH posted *Summary of Review and Approval of Clinical Review Criteria*, May 2023, (<https://omh.ny.gov/omhweb/bho/docs/mnc-summary.pdf>) to provide the public with a status update on the review process and will update this information once the last plan comes into compliance.

OMH has increasing participation of OMH personnel in community events and town meetings and providing new avenues for public participation in government decision-making. OMH conducts a wide range of community and stakeholder events, meetings, and town halls to increase public participation in government decision-making. This includes monthly stakeholder meetings, town halls, focus groups, and presentations on various policy and funding decisions such as developing a comprehensive crisis response system, funding workforce development initiatives, and other critical issues that impact New Yorkers. The Commissioner and agency staff, including regional staff from OMH Field Offices, Psychiatric Centers, and Suicide Prevention Office, are also invited to and attend community events and meetings regularly. Regional staff, including individual and family advocates, have regular contact with local government staff, providers, consumers, and families to ensure that the agency's decision is informed by local community input.

1. OMH has continued to identify ways to increase participation in community and stakeholder meetings through promotion efforts on our [website](#), social media, [newsletters](#), and at other community and stakeholder events and meetings. OMH has clearly communicated the desire for community and stakeholder input and has held public comment sessions, an annual statewide town hall, and other open meetings to discuss Governor Hochul's FY24 Executive Budget Proposal and State of the State mental health plan in which 4 virtual meetings were convened before launching a [Statewide listening tour](#) in which 36 sessions were held in 19 communities. OMH also encourages public input and participation through a number of avenues including the Behavioral Health Services Advisory Committee (BHSAC), the Regional Advisory Committee for consumers and families, the Statewide Multicultural Advisory Committee, and the Psychiatric Centers' Boards of Visitors.
2. OMH has increased staff participation at local community and town events to better promote OMH services and engage stakeholders in the decision-making process. The Community Outreach and Public Education (COPE) bureau serves the entirety of New York State.
 - a. Internal collaboration at OMH focuses on working closely with the Children's Division, Diversity, Housing, Peer Services, Nursing, the Suicide Prevention Center

of NY, and the Community Mental Health Promotion and Support (COMHPS) teams to pull coverage for events. Most recently, COPE commenced building outreach capacity at OMH Psychiatric Centers (PCs) and within OMH field offices to ensure outreach is geo-targeted, culturally sensitive, and appropriate.

- b. In 2023, COPE participated in over 100 events that included outreach to asylum seekers, communities of color, LGBTQIA, and school-age youth. Emerging work within specific industries such as construction, forestry, and medicine will continue to grow.
- c. COPE works very closely with OMH's Diversity Division to provide culturally competent resources and staffing at events and to provide our materials in a variety of language tailored to the needs of the communities OMH serves.
- d. COPE also closely collaborates with OMH's Public Information Office to make educational resources readily available in numerous languages via the OMH website. COPE partnered with this office on a mental health stigma reduction messaging survey. Additionally, COPE closely collaborates with the OMH Design Center and the Print Shop at Mohawk Valley Psychiatric Center on development and production for fulfillment of COPE resources.
- e. External collaborations include partnering with the NYS Office of Aging to help develop and distribute resources that are geared toward seniors to educate and understand mental health issues (i.e., depression, social isolation) that may be faced as part of the aging process. COPE works with several senior health and wellness events throughout the year to promote this education, and also to address grief and loneliness.
- f. Each year from mid-August through Labor Day, COPE is a strong presence at the NYS Fair in Syracuse. With a rotating staff of about 100 from various PCs, OMH Central Office and OMH's NYS Psychiatric Institute, COPE reaches thousands of people, across multiple populations, ranging from youth and families, LGBTQIA+, seniors, farmers, indigenous, and military populations with our resources, information/referrals, and support. During this time, COPE also partners with OMH community-based organizations such as FarmNet, Families Together, SPCNY, the Onondaga Suicide Prevention Coalition, and the Upstate Medical Center.
- g. COPE does this all again on a smaller scale in early February for the NYS Winter Fair.
- h. Other notable outreach in 2023 included a collaborative with the Department of Corrections and Community Supervision to reach staff at every correctional facility in NYS. COPE also cultivated partnerships with several EAP programs at other State agencies, including the Department of Transportation, The Department of Health, (Perinatal Association Conference), the Department of Environmental Conservation, the Office of Children and Family Services, the Office of Alcohol and Substance Abuse Services and within the SUNY system.

OMH is posting documents required for meetings open to the public at the same time the agenda is posted, to the extent practicable.

1. In advance of scheduled BHSAC meetings, OMH and the Office of Addiction and Substance Abuse Services (OASAS) collaborate to post the agenda and a bulleted list of projects and regulations to be discussed at upcoming meetings to https://omh.ny.gov/omhweb/bh_services_council/ . OMH and OASAS work together to ensure that the agenda is posted to the agency websites two weeks prior to the scheduled meeting. This includes a list of projects and regulations to be discussed. Materials are posted one week prior to the meeting. Materials received within one week of the meeting are posted immediately. Following the meetings, OMH and OASAS post recordings within five business days. Once approved, minutes are posted to the agency webpages within one week. OMH and OASAS routinely discuss ways in which information and documents can be made more accessible.
2. Regardless of whether the Open Meetings Law applies, OMH conducts business in a manner that respects the public interest by livestreaming meetings, sharing minutes and information, and posting additional information to the website where appropriate.

INITIATIVES TO BE IMPLEMENTED IN 2024

Increasing participation of OMH personnel in community events and town meetings and providing new avenues for public participation in government decision-making – OMH will be convening and hosting over 20 sub-regional meetings with all providers in early 2024 to do targeted planning. Those local meetings throughout the state will continue as the Hospital & Community Connections approach continues to enhance action-oriented local services planning and ongoing collaboration between acute and ambulatory and housing programs. The benefit of the community-based meetings will allow the State planning to account for unique local/regional needs.

Ensuring the timely preparation of legally mandated reporting and identifying ways to make useful information available to the public - OMH is currently responsible for producing and sharing approximately a dozen reports with the legislature. The most notable are:

1. Statewide Comprehensive Plan
2. Sex Offender Management Treatment Act
3. Suicide Prevention Activities
4. Assisted Outpatient Treatment
5. Monthly Status on Census at OMH Psychiatric Centers and Community Reinvestment

OMH posts all these reports on its website. OMH has streamlined our internal process to ensure the timely approval and dissemination of all reports. OMH will further automate the review process in 2024 and examine how these reports can be made more accessible to the public.