



May 28, 2009

Centers for Medicare & Medicaid Services
Department of Health and Human Services
Attention: CMS-2287-P2
P.O Box 8018
Baltimore, MD 21244-8018

To Whom It May Concern:

Reference: File code CMS-2287-P2

The Coalition of Behavioral Health Agencies, Inc. is submitting the following comments on the proposed rule for “Medicaid Program: Rescission of School-Based Services Final Rule, Outpatient Services Definition Final Rule and Partial Rescission of Case Management Services Interim Final Rule”, published in the Federal Register on May 6, 2009.

The Coalition of Behavioral Health Agencies, Inc. is the umbrella trade association and public policy advocacy organization of New York’s behavioral health community, representing over 120 non-profit behavioral health agencies. Taken together, these agencies serve more than 350,000 adults and children and deliver the entire continuum of behavioral health care in every neighborhood of a diverse New York City and its environs.

The Coalition’s member organizations sustain some of New York’s most vulnerable citizens: persons with HIV, struggling families, the fragile elderly, people living with co-morbid health conditions, people discharged from psychiatric hospitals and detoxification units, prison discharges and troubled children. They provide a full continuum of behavioral health services including: ACT, AOT, case management, clinic treatment programs, community residential programs, continuing day treatment programs, crisis outreach and intervention services, drop-in centers, family support services, home and community based services, homeless outreach, mobile crisis intervention programs, on-site rehabilitation, psychosocial clubs, school based programs, supportive housing, transitional employment placement, transitional management services, vocational and social rehabilitation and vocational services for adolescents.

The Coalition strongly supports CMS-2287-P2, which rescinds harmful Medicaid regulations that would have negatively affected many providers, and by extension have a detrimental impact on Medicaid beneficiaries, particularly children in foster care, individuals with physical or mental disabilities and substance abuse disorders or other chronic health conditions.

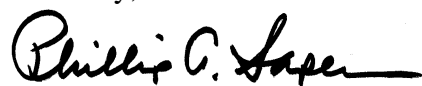
The final rule entitled “Elimination of reimbursement under Medicaid for school administration expenditures and costs related to transportation of school-age children between home and school” was bad public policy and contradicted Medicaid’s requirements for Early and Periodic Screening, Diagnosis and Treatment (EPSDT) and CMS’s own previous guidance. The final rule entitled “Clarification of outpatient hospital facility services definition” would have had an adverse impact on the availability of covered services for beneficiaries and a reduction of the quality of care provided to consumers. Lastly, the interim final rule entitled “Optional state plan case management services” would have significantly limited state flexibility to provide case management in the most effective and efficient manner possible. The rule would also have posed additional barriers and prove to be more burdensome for providers of case management services, including non-profit community based organizations.

The proposed rule, CMS-2287-P2, will enable school districts and many others to continue receiving the desperately needed federal funds to support school-based outreach, enrollment assistance, administrative costs and transportation services. The proposed rule will also enable non-profit behavioral health providers and hospitals to continue providing medically necessary services to vulnerable beneficiaries with severe mental illness and substance abuse disorders.

We urge HHS to enact the proposed rule CMS-2287-P2, thereby rescinding two harmful CMS Medicaid regulations and certain provisions of the case management rule.

We would like to thank CMS for taking the necessary steps to rescind the harmful Medicaid regulations and for the opportunity to submit comments on the proposed rule. If you have any questions, please contact Heather R. Mermel, Senior Associate for Policy and Program Development, at (212) 742-1600 ext. 109.

Sincerely,



Phillip A. Saperia
Executive Director

cc: Members of the New York State Congressional Caucus
The Honorable Paterson, Governor of the State of New York