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April 7, 2025

**Sara Paupini**  
Associate Attorney  
New York State Office of Mental Health  
44 Holland Avenue  
Albany, NY 12229

*Submitted electronically: [regs@omh.ny.gov](mailto:regs@omh.ny.gov)*

## RE: Amendment of Part 524: Incident Management Programs

Dear Ms. Paupini:

The Healthcare Association of New York State, on behalf of our member nonprofit and public hospitals, nursing homes, home health agencies and other healthcare providers, welcomes the opportunity to comment on the proposed changes to the current regulations that require providers to develop and implement effective incident management programs.

We support efforts to protect the health and safety of patients and enhance their quality of care. However, HANY is concerned that some aspects of this proposed amendment would create unnecessary conflict for our hospital members due to overlap in protocol from other oversight agencies, overextension of statutory requirements and overwhelming training requirements.

### 524.9 – Incident investigation, corrective action and records maintenance

OMH proposes language prohibiting providers from conducting interviews and interrogations and collecting written statements during an assessment or review following an allegation of abuse or neglect.

Hospitals must comply with numerous incident reporting requirements for state and federal oversight entities. As part of those requirements, our members must conduct their own investigations, which includes gathering witness statements, interviews and written statements, and then reporting their findings to these entities. We are concerned that having contradictory incident management protocols will create confusion and additional work for our members when reporting incidents.

**To ensure providers can remain in alignment with other government requirements we recommend that OMH not finalize the proposed changes to the investigation process for hospitals.**

### 524.12 – Other required notifications

OMH proposes significant revisions to provider notification requirements. HANY is concerned that, despite references to Mental Hygiene Law 33.23 and 33.25, OMH's

proposals go beyond the statutory requirements. For example, MHL 33.23 references an “offer to hold a meeting,” while the proposed changes state that a meeting must be held. In addition, HANYS is concerned about the increased burden on our members from the proposed documentation requirements and administrative appeal process.

**HANYS recommends that OMH review these proposed changes and better align them with the statutory language.**

HANYS appreciates the opportunity to provide feedback on the proposed changes. We look forward to continue working with OMH. If you have questions, please contact Katie Molanare, director, behavioral health at 518.431.7825 or [kmolanare@hanys.org](mailto:kmolanare@hanys.org)

Sincerely,

A handwritten signature in cursive script that reads "Victoria Aufiero".

Victoria Aufiero, Esq.  
Vice President, Insurance, Managed Care and Behavioral Health