

RFA # 18239
 Grants Gateway #s:
DOH01-ALPEIA-2020 (Component A)
DOH01-ALPEIB-2020 (Component B)

New York State Department of Health
 Office of Primary Care and Health Systems Management

Assisted Living Program Expansion Initiative

Component A: ALP Beds
Component B: ALP Capital Projects

MODIFICATIONS, QUESTIONS AND ANSWERS **October 11, 2019**

Modifications to the RFA

Please be advised the following has been updated/modified in the RFA. Bold yellow highlighted text is new.

Section III. Project Narrative/Workplan

G. Eligible Counties (Component A)

Counties¹ currently having less than (2) licensed ALPs include:

| County | # Licensed ALPs | # ALP Projects in Queue | # ALP Beds in Queue |
|---------------|------------------------|--------------------------------|----------------------------|
| Albany | 1 | 0 | 0 |
| Allegany | 0 | 0 | 0 |
| Cayuga | 1 | 0 | 0 |
| Chemung | 1 | 0 | 0 |
| Chenango | 0 | 0 | 0 |
| Clinton | 1 | 0 | 0 |
| Cortland | 0 | 0 | 0 |
| Delaware | 1 | 0 | 0 |
| Essex | 1 | 0 | 0 |
| Franklin | 1 | 0 | 0 |
| Fulton | 1 | 0 | 0 |
| Genesee | 1 | 0 | 0 |
| Hamilton | 0 | 0 | 0 |
| Herkimer | 1 | 1 | 20 |
| Lewis | 0 | 0 | 0 |
| Livingston | 0 | 0 | 0 |
| Madison | 0 | 0 | 0 |
| Ontario | 1 | 0 | 0 |

¹ As of March 31, 2019.

| | | | |
|---------------|----------|----------|----------|
| Orleans | 0 | 0 | 0 |
| Otsego | 1 | 0 | 0 |
| Putnam | 1 | 0 | 0 |
| St. Lawrence | 1 | 0 | 0 |
| Saratoga | 0 | 1 | 14 |
| Schoharie | 1 | 0 | 0 |
| Schuyler | 1 | 0 | 0 |
| Seneca | 0 | 0 | 0 |
| Steuben | 0 | 0 | 0 |
| Sullivan | 0 | 0 | 0 |
| Tioga | 1 | 0 | 0 |
| Tompkins | 0 | 0 | 0 |
| Warren | 1 | 0 | 0 |
| Wayne | 1 | 0 | 0 |
| Wyoming | 0 | 0 | 0 |
| Yates | 0 | 0 | 0 |

| Question # | RFA Reference | Question | Department of Health Answer |
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| 1 | Page 2 Section I Introduction | Is there a legal requirement for the Department to allocate beds in two (2) 500-bed pools, as described in this RFA? | Consistent with Social Services Law Section §461-l(l), 500 ALP beds will be awarded to Eligible Applicants in counties with one or no assisted living program providers, and 500 ALP beds will be awarded to Eligible Applicants in counties where utilization of existing ALP beds exceeds 85%. |
| 2 | Page 2 Section I Introduction Pages 8-9 Section III Part G | Can existing ALP providers apply for ALP beds within an existing ALP? Can existing ALP providers apply for ALP beds in a site that does not currently have ALP beds? | Existing ALP providers may apply for new ALP beds in Component A, within an existing ALP or at a site that does not currently have ALP beds, provided that the Eligible Project meets the criteria outlined in Section II., Part A. Minimum Eligibility Requirements and is located in an eligible county listed on pages 8 and 9, Section III., Part G. Eligible Counties (Component A) of the RFA. |
| 3 | Page 3 Section II Part A | Would this grant only apply for currently operational assisted living programs (ALPs)? | An Eligible Applicant can apply to expand a currently licensed ALP or establish a new ALP in accordance with the minimum eligibility requirements outlined on page 3, Section II., Part A. |
| 4 | Page 3 Section II Part A | Page 2 of the RFA identifies eligible entities as those who are new to the delivery of adult home or enriched housing program services, as well as currently licensed adult homes or enriched housing programs new to the delivery of ALP services. Is it the Department's intent that an adult care facility that is currently licensed as an ALP would not be eligible for Component A of this RFP? | A current ALP provider may meet the criteria as an Eligible Applicant provided that the Eligible Project meets the criteria set forth on page 3, Section II., Part A. Minimum Eligibility Requirements. |
| 5 | Page 3 Section II Part A | Some counties developed a separate not-for-profit corporation for purposes of operating an ALP. Is this still an available pathway for a county to become an ALP operator? What other direction can you give any county entities interested in pursuing this opportunity? | The Eligible Applicant must meet the criteria set forth on RFA page 3, Section II., Part A. Minimum Eligibility Requirements. |
| 6 | Page 3 Section II Part A | Can an organization that currently operates an ALP that proposes to form another separate corporation for purposes of establishing an ALP be an eligible applicant in a different, eligible county? | Each Eligible Applicant must meet the criteria outlined on RFA page 3, Section II., Part A. Minimum Eligibility Requirements, regardless of whether the Applicant or an affiliated entity currently operates a licensed ALP. |

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| 7 | Page 3 Section II Part A | Will the Department allow existing adult home and enriched housing programs with established ALP beds in eligible counties to seek additional ALP beds under this RFA? | The Eligible Project must meet the criteria set forth on RFA page 3, Section II., Part A. Minimum Eligibility Requirements. |
| 8 | Page 3 Section II Part A | Will DOH accept applications for establishments of new adult homes or enriched housing programs that will participate in the Assisted Living Program? | The Eligible Project must meet the criteria set forth on RFA page 3, Section II., Part A. Minimum Eligibility Requirements. |
| 9 | Page 3 Section II Part A | Can the Department cite its legal basis for the 50% threshold? | Social Services Law 461-l(l)(i) indicates that the Commissioner of Health may determine criteria regarding the award. |
| 10 | Page 3 Section II Part A | Can nursing homes apply for this grant? | Consistent with the minimum eligibility requirements outlined on page 3, Section II., Part A. of the RFA, an Eligible Applicant must be an adult home or enriched housing program licensed under Title 2 of Article 7 of the Social Services Law or be eligible to conduct business in New York State and apply for Article 7 licensure in order to deliver ALP services. Further, the Adult Care Facility must comply with the Home and Community Based Settings Final Rule as outlined on page 4, Section III. Part D. of the RFA. |
| 11 | Page 3 Section II Part A | Can a current ALP provider apply for this program? | Yes, existing licensed adult homes and enriched housing programs with operational ALPs may apply. |
| 12 | Page 3 Section II Part A | We are a 67-bed adult home, 35-bed Assisted Living Residence (ALR) and would like to convert these ALR beds to ALP. However, this exceeds the 50% threshold included in the RFA. Will my application be rejected? | Please refer to the minimum eligibility requirements outlined on page 3, Section II, Part A. of the RFA. |
| 13 | Page 3 Section II Part A Page 5 Section II Part E | Will DOH allow new legal entities to apply for the ALP beds under this RFA? | Eligible Applicants must meet the minimum eligibility criteria as defined on RFA page 3, Section II., Part A. Minimum Eligibility Requirements as well as the requirements set forth on page 5., Section II., Part E. Legal Entity Requirements. |

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| 14 | Page 3 Section II Part A Pages 8-9 Section III Part G | Is the Department able to confirm specific existing facility's eligibility to apply for the RFA? | Please refer to the criteria set forth on page 3, Section II., Part A. Minimum Eligibility Requirements, and the lists of eligible counties listed on pages 8 and 9, Section III., Part G. Eligible Counties (Component A) of the RFA. |
| 15 | Page 3 Section II Part A Page 27 Section V Part D | The Eligible County charts presented in the RFA also indicated the current number of ALP projects/beds in queue. Would an application in a county with a higher number of projects/beds in the queue (i.e., Queens County) be considered less competitive than an application proposed in another eligible county? Would information regarding the location of the projects in the queue be provided to applicants in order that they can accurately gauge the need for an additional program in a specific portion of the county? | All Eligible Projects which meet the minimum eligibility requirements as outlined on page 3, Section II., Part A. of the RFA will be evaluated in accordance with the defined Evaluation Criteria on page 27, Section V., Part D. of the RFA. |
| 16 | Page 4 Section II Part A | The RFA states that the number of requested ALP beds for the Eligible Project must not exceed 50% of the facility's certified/proposed capacity, or 50 beds, whichever is less. Is this ceiling for all projects, including new licensure and/or certification, including project proposals where 100% of the proposed capacity would be developed as ALP program beds? | For this RFA, for an application to be considered, the number of requested ALP beds for the Eligible Project must not exceed 50% of the facility's certified/proposed capacity, or 50 beds, whichever is less. |
| 17 | Page 4 Section II Part A | Are existing ALPs with more than 50 beds eligible to apply for additional ALP beds, provided that their existing ALP beds plus the requested beds would still be under 50% of their current capacity? | The number of requested ALP beds for an Eligible Project must not exceed 50% of the facility's certified/proposed bed capacity, or 50 beds, whichever is less. |
| 18 | Page 4 Section II Part A | Are all applicants required to submit proposals in which at least 50% of the beds are non-ALP beds? | Consistent with page 3, Section II., Part A. Minimum Eligibility Requirements, the number of requested ALP beds for the Eligible Project must not exceed 50% of the facility's certified/proposed certified bed capacity, or 50 beds, <i>whichever is less</i> . A new facility proposing 25 ALP |

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| | | | beds in an eligible county would need to propose 25 non-ALP beds to meet the criteria for an Eligible Project. |
| 19 | Page 4 Section II Part A | Will the Department remove the 50% rule to allow for more opportunities to develop beds in counties with less than two (2) existing ALPs? | For this RFA, the number of requested ALP beds must not exceed 50% of the facility's certified/proposed certified bed capacity, or 50 beds, whichever is less. |
| 20 | Page 4 Section II Part A | Can an existing ALP operator be an Eligible Applicant, assuming all other requirements are satisfied? | An existing ALP operator can be an eligible applicant for this RFA. |
| 21 | Page 4 Section II Part C | If a not-for-profit corporation is licensed to operate an adult home or enriched housing program, and an affiliated not-for-profit corporation is licensed to operate a licensed home care services agency (LHCSA), certified home health agency (CHHA) or long term home health care plan (LTHHCP), may the not-for-profit corporation licensed to operate the adult home or enriched housing program apply for ALP beds and use the LHCSA, CHHA or LTHHCP of its affiliated not-for-profit corporation to satisfy the home care component of the ALP if both not-for-profit corporations have identical member on each board of directors? | As referenced on page 4, Section II., Part C. Requirements to Obtain or Possess Dual Licenses of the RFA, awardees may be one entity with dual licenses/certifications, or two or more entities with identical ownership/membership that, in combination, are approved to operate both the ALP and the Licensed Home Care Services Agency, Certified Home Health Agency or the Long Term Home Health Care Program. |
| 22 | Page 4 Section II Part C | Will applicants that do not currently operate a Licensed Home Care Services Agency (LHCSA) be eligible under this RFA? | As described on page 4., Section II., Part C. Requirements to Obtain or Possess Dual Licenses, an Eligible Applicant will hold the required certificates, or have an appropriate application in process with the Department or submit an application for the required licensure/certification as part of the application process to operationalize the awarded ALP beds. |
| 23 | Page 4 Section II Part D | Will a proposed ALP co-located with a nursing home be considered for approval if the applicant can demonstrate that the proposed ALP comports with all qualities and characteristics of a fully-integrated setting as defined by the Home and Community Based Settings (HCBS) requirement? | It is the applicant's responsibility to demonstrate compliance with the Home and Community Based Settings as described on page 4., Section II., Part D. of the RFA. Each application will be scored in accordance with Part V. of the RFA. |

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| 24 | Page 4 Section II Part D | Is an ALP that is in a freestanding building, with no physical connection to a nursing home, but on the same land parcel, considered to be “on the grounds of a private or public institution or located adjacent to public institutions”, and therefore presumed to be institutional? Would the answer change if the ALP was in a building that was freestanding except for being connected by a covered walkway to an institution? Would the answer change if the ALP was in a freestanding building connected by a covered walkway to an institution and also sharing services with an institution (e.g., kitchen services, with meals delivered from the institution to the freestanding ALP building)? | An ALP connected by a covered walkway to or sharing kitchen services with a nursing home is considered to be “on the grounds of a private or public institution or located adjacent to public institutions.” Accordingly, such ALP must demonstrate compliance with the HCBS final rule. |
| 25 | Page 4 Section II Part D | Why is New York applying a heightened scrutiny standard to home and community-based services that are provided in a building located on the grounds of a private institution, as this is not a federal requirement? | Please refer to the Department’s federally-approved Statewide Transition Plan, located at https://www.health.ny.gov/health_care/medicaid/redesign/state_trans_plan_cms.htm . |
| 26 | Page 4 Section II Part D | For purposes of meeting Home and Community Based Settings (HCBS) Final Rule requirements that applicants provide residents with some immobile device to lock items. To date, a standard sized, free-standing lockable nightstand has been accepted as meeting this requirement. Wall mounted locking storage has not been required. What types of immobile devices will be accepted (i.e. a lockable night stand versus a wall mounted cabinet) to satisfy the HCBS standard? | It is the applicant’s responsibility to demonstrate compliance with the HCBS Final Rule as described on page 4., Section II., Part D. of the RFA. Per regulation 18 NYCRR §487.11(i)(4)(v), each operator shall furnish each resident with lockable storage facilities for personal articles and medications. |
| 27 | Page 4 Section II Part D Page 27 Section V Part D | An important aspect of the ALP is the ability to provide a continuum of care with nursing home services, usually on the same campus, something that the federal Home and Community Based Settings (HCBS) final rule appears to counter, or at least argue against. Will the ability to integrate health care services by creating a continuum of care on a | It is the applicant’s responsibility to demonstrate compliance with the HCBS Final Rule as described on page 4., Section II., Part D. of the RFA. Each application will be scored in accordance with Part V. of the RFA. |

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| | | nursing home campus receive equal weight in evaluation as compliance with the HCBS final rule? | |
| 28 | <p>Page 5 Section II Part D</p> <p>Page 27 Section V Part D</p> | The provision of an admission agreement is a requirement of Part II/Schedule 6 of the Common Application. Is the provision of a proposed admission agreement a requirement for a RFA response? If there is no such requirement, will the scoring of a RFA response be impacted in any way either by providing or not providing a proposed admission agreement? | No information is required beyond what is requested in the RFA or the applicable ACF Common Application schedules. Therefore, the submission of a proposed admission agreement and ALP addendum is not a requirement for the RFA response. All applications will be scored in accordance with Part V. of the RFA. |
| 29 | Page 5 Section II Part E | Will Eligible Applicants under Social Services Law Section 461-l 1(c)(ii) be considered to meet the Legal Entity Requirements stated under Section II E, page 5, of the RFA? | As referenced on page 4, Section II., Part C. Requirements to Obtain or Possess Dual Licenses of the RFA, awardees may be one entity with dual licenses/certifications, or two or more entities with identical ownership/membership that, in combination, are approved to operate both the assisted living program and the Licensed Home Care Services Agency, Certified Home Health Agency or the Long Term Home Health Care Program. |
| 30 | Page 5 Section II Part E | We are looking to operate a single legal entity as a subsidiary of an existing health care entity. However, the subsidiary is substantially unable to attest to requisite capacity and compliance questions to pass the pre-qualification process. Is it acceptable for us to apply under an entity who is prequalified, and then if beds are awarded, transfer the bed award to the new legal entity? | For purposes of this RFA, transfer of an award for ALP beds is expressly prohibited. |
| 31 | Page 6 Section III Project Narrative | Are the eligibility requirements the same for Component B eligibility? | An application must pass Component A requirements and be awarded ALP beds to be considered for Component B. |
| 32 | Page 6 Section III Project Narrative | Are Eligible Applicants under Component A required to seek capital funding under Component B? If the Eligible Applicant under Component A does not seek capital funding under Component B, will that in any way impact | Eligible Applicants under Component A are not required to seek capital funding under Component B of the RFA. Scoring will not be impacted by the submission, or lack thereof, of an application under Component B of the |

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| | | the scoring of the Eligible Applicant's Component A RFA response? | RFA. All applications will be scored in accordance with Part V. of the RFA. |
| 33 | Page 6 Section III Part (b) | Are ALPs required to develop and execute collaborative agreements with nursing homes? | Yes, as indicated, an Eligible Project will demonstrate an ability to develop and execute collaborative agreements within twenty-four months of award with at least one residential health care facility (also referred to as a nursing home). |
| 34 | Page 6 Section III Part (b) | Do applicants need to provide proof of the intent of the parties to enter into collaborative agreements or is it sufficient to include a simple confirmation statement in response to the RFA, indicating that they will enter into requisite collaborative agreements within 24 months? | It is the applicant's responsibility to demonstrate their intent to enter into collaborative agreements within 24 months with an adult home/enriched housing program, residential health care facility and general hospital. |
| 35 | Page 6 Section III Part (b) | Does the Department have an expectation regarding the minimum percentage of residents that are Medicaid eligible in evaluating applications for both qualifying criteria? | As required by Social Services Law §461-(l), beds awarded pursuant to this initiative are to be dedicated to serve only individuals receiving medical assistance. Therefore, the expectation is that 100% of the awarded beds will serve individuals in receipt of Medicaid. |
| 36 | Page 6 Section III Part (b) Page 9 Section III Part H | Applications will be evaluated in part "...to the extent that they can execute collaborative agreements within 24 months of award between a residential health care facility and/or general hospital.... However, on Page 6, the Project Narrative, item (b) includes a collaborative agreement between an adult home or enriched housing program, in addition to a residential health care facility and general hospital. Was the omission of "adult home or enriched housing" in the evaluation criteria intentional? | Applicants that become licensed Adult Home or Enriched Housing Program with an ALP will be required to enter into a collaborative agreement with both a nursing home and a hospital. |
| 37 | Page 6 Section III Part (c) | What data is available to applicants to use to demonstrate customer satisfaction with quality of care? | The adult care facility profile online at https://profiles.health.ny.gov/acf , displays violation and enforcement information, and allows users to compare adult homes and enriched housing programs. |
| 38 | Page 6 Section III Part (c) | Applicants must address the need for long term care services and include existing ALP bed availability and occupancy in this need analysis. Such information is no longer available online. | The Adult Care Facility Quarterly Statistical Information Report details demographic and bed availability information from 2013-present and is available online at https://www.health.data.ny.gov/ . The Adult Care Facility |

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| | | The information publicly available on the “Adult Care Facility Quarterly Statistical Information” is minimal as does not include ALP beds or occupancy information. Where can applicants obtain this data now that it is no longer available on Health Data NY? | Directory contains a listing of Adult Care Facilities that are currently licensed in New York State, and is located at: https://health.data.ny.gov/Health/Adult-Care-Facility-Directory/wssx-idhx/data . |
| 39 | Page 6 Section III Part (c) | What data is available to applicants relating to ALP bed availability and occupancy, as the publicly reported data does not include that level of detail? | The Adult Care Facility Quarterly Statistical Information Report details demographic and bed availability information from 2013-present and is available online at: https://www.health.data.ny.gov/ . |
| 40 | Page 6 Section III Part (c) | Will the Department accept both the applicant’s own internal satisfaction questionnaires and independent data, and would one method carry more weight than the other? | The Department will accept both the applicant’s own internal satisfaction questionnaires and independent data. It is the applicant’s responsibility to demonstrate the need for long term care services in the county in which the facility is or would be located. All applications submitted in response to this RFA will be evaluated in accordance with Section V. of the RFA. |
| 41 | Page 6 Section III Part (c) | Will the Department consider information from referring providers such as hospitals, physicians and nursing homes as information to document consumer demand? | The Department will consider information from referring providers of the proposed ALP as a response to documented consumer demand for ALP level of care. |
| 42 | Page 6 Section III Part (d) | If there are any counties that meet both the requirement that the county currently have less than two (2) ALPs and an occupancy rate of 85.0% or greater, will such applicants be considered under the second pool if all 500 beds are awarded to other applicants in the first pool? | An application must pass Component A requirements and be awarded ALP beds to be considered for Component B. |
| 43 | Page 6 Section III Part (d) | Most operators understand that required access to visitors will include a requirement to allow overnight guests. If the Department will permit adult homes to submit a waiver to allow residents to entertain overnight guests, what must be included in the waiver submission? What is the operator’s recourse if the waiver is denied? | The Department expects that adult homes and enriched housing programs who operate assisted living programs have a policy and procedure in place to allow residents access to visitors. In such instances, no waiver is required. |
| 44 | Page 6 Section III Part (d) | How can adult home operators reconcile the statement that they must have units that contain separate living, dining and sleeping areas and | It is the applicant’s responsibility to demonstrate compliance with the HCBS Final Rule as described on page 4., Section II., Part D. of the RFA. |

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| | | the general prohibition against cooking appliances in adult homes, which prohibits cooking appliances in resident's rooms? | |
| 45 | Page 6 Section III Part (d) | What is meant by use of the term "cooking appliance"? | Cooking appliances may be stoves, ovens or microwaves. |
| 46 | Page 6 Section III Part (d) | For the benefit of those new to the provision of enriched housing program services, please clarify what cooking appliance specifically are prohibited, since regulations require a cooking stove or range with oven? | Formal clarification regarding regulatory interpretations are disseminated via policy guidance in the form of a Dear Administrator Letter. To receive specific responses to regulatory inquiries, please write to acinfo@health.ny.gov . |
| 47 | Pages 6-7 Section III Project Narrative | <p>We are an Enriched Housing Program and recently underwent a construction project, a portion of which was to install sprinklers in all closets and in our attic space. We now comply with NFPA 13 but wish to apply for Component B.</p> <p>In 18 NYCRR §494.7, there is a reference to smoke stops every 100 feet. Please clarify whether a smoke barrier the same as a smoke stop. Additionally, please confirm how corridor length is measured.</p> <p>What other ALP building code requirements might we need to consider?</p> | <p>A licensed Enriched Housing Program with approval to operate an ALP is required to comply with Social Services Law and applicable Title 18 of the New York Codes Rules, and Regulations, as well as local codes.</p> <p>Formal clarification regarding regulatory interpretations are disseminated via policy guidance in the form of a Dear Administrator Letter (DAL). To receive specific responses to specific regulatory inquiries, please write to acinfo@health.ny.gov.</p> |
| 48 | Pages 6, 10 Section III Project Narrative and Part I | Applicants are required to execute collaborative agreements within 24 months of application. Please clarify calculation of the referenced 24 months. Specifically, is it 24 months from the submission of the ALP RFA application, or 24 months after the request for ALP beds is awarded? | The collaborative agreements should be executed within 24 months from the submission of a Certificate of Need application in response to an ALP award. |
| 49 | Pages 6, 10 Section III Project Narrative and Part I | Is a collaborative agreement required with a nursing home and hospital as indicated on page 6(b) or a nursing home or a hospital as indicated on page 10. #9? | Applicants will be required to enter into a collaborative agreement with both a nursing home and a hospital. |

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| 50 | Page 7 Section III Part (d) | Is an operator who is applying for ALP beds in an existing adult home or enriched housing program required to convert or add bathrooms that are wheelchair accessible or ADA compliant above and beyond what was required by the building code applicable to their building, as per their certificate of occupancy? | The adult care facility must comply with the environmental standards in Social Services Law and Title 18 of the New York Codes Rules, and Regulations, as well as all applicable building codes. |
| 51 | Page 7 Section III Part (d) | By using the term “dwelling unit” is this statement limited to enriched housing programs, because adult homes do not have dwelling units as per New York State regulations, and enriched housing programs are required to have these separate areas as per 18 NYCRR §488.11? | It is the applicant’s responsibility to demonstrate compliance with the HCBS Final Rule as described on page 4., Section II., Part D. of the RFA. |
| 52 | Page 8 Section III Part G | Based on the Adult Care Facility Directory, there is only one (1) ALP in Otsego County, yet Otsego County is not included on this list. Will the Department revise the list to include Otsego County? | Otsego County indeed has one operational ALP, and therefore meets the requirements of this RFA. The list is updated to reflect inclusion of Otsego County. Please refer to the RFA modification at the beginning of this Question and Answer document. |
| 53 | Pages 8-9 Section III Part G | Under Eligible Counties (Component A), Jefferson County is not listed. Although my facility’s capacity is about 90%, does the fact that we are based in Jefferson County mean that we cannot apply for Component A, but we can apply for Component B? | Eligible Applicants proposing an ALP to be located in counties listed on pages 8 and 9, Section III., Part G Eligible Counties (Component A), are eligible to apply for ALP beds through Component A and ALP Capital Projects through Component B. Jefferson County is listed as an Eligible County. |
| 54 | Pages 8-9 Section III Part G | On pages 8 and 9 of the RFA, the lists of eligible counties include the “# ALP Projects in Queue” and the “# ALP Beds in Queue”. Please explain what the Queue is, and how the number of beds and projects in Queue might impact the eligibility of a county for grant awards through the Assisted Living Program Expansion Initiative. | The queue refers to those ALP projects/beds currently in process for development and licensure with the New York State Department of Health. The location of the proposed ALP expansion project must be in an eligible county as listed on pages 8 and 9, Section III., Part G. Eligible Counties (Component A) of the RFA. |
| 55 | Pages 8-9 Section III Part G | The RFA lists Counties on page 8 (that are currently have less than two Licensed ALP) and on page 9 the counties having 85% or greater based on 4 quarters of 2018 Facility self-reported census. Does this mean Suffolk County is ineligible to apply for funds for Components A and B? | The location of the proposed ALP expansion project must be in an eligible county as listed on pages 8 and 9, Section III., Part G. Eligible Counties (Component A) of the RFA. |

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| 56 | Pages 8-9 Section III Part G | Are there any counties that meet both the requirement that the county currently have less than two ALPs and have an occupancy rate of 85.0% or greater? | The list of eligible counties on pages 8 and 9, Section III, Part G. Eligible Counties (Component A) of the RFA does not reflect counties that have less than two (2) licensed ALPs and an ALP occupancy rate of 85.0% or greater based on review of the four (4) quarters of 2018 facility self-reported census information. |
| 57 | Pages 8-9 Section III Part G | If there are any counties that meet both the requirement that the county currently have less than two ALPs and have an occupancy rate of 85.0% or greater, will the lists be revised to reflect this? | The list provided on page 9, Section III., Part G. Eligible Counties (Component A) of the RFA is final. |
| 58 | Pages 8-9 Section III Part G. | Some facilities have notified the Department of reporting errors in its quarterly statistical information report that affected the countywide census. Will more counties be added to the list of Eligible Counties if occupancy has been consistently over 85% in the past two years? | The list provided on page 9, Section III., Part G. Eligible Counties (Component A) of the RFA is final. No additional counties will be added based on retroactive amendments to census data. |
| 59 | Pages 8-9 Section III Part G | Regarding the counties identified on Page 9 of the RFA as having a current ALP occupancy rate of 85.0% or greater (based on review of the four (4) quarters of 2018 facility self-reported census information), if other counties have a current ALP occupancy rate of 85.0% or greater – based on the first two (2) or three (3) quarters of 2019 facility self-reported census information – can those additional counties qualify as Eligible Counties for purposes of Component A? | The list provided on page 9, Section III., Part G. Eligible Counties (Component A) of the RFA is final |
| 60 | Pages 8-9 Section III Part G | Will any ALP beds be granted in Erie County? | The RFA lists Eligible Counties on pages 8 and 9, Section III., Part G. Eligible Counties (Component A). |
| 61 | Pages 8-9 Section III Part G | May an entity apply to develop an ALP that would be physically located in a county that is not listed on Pages 8 and 9 of the RFA but that would be solely or primarily dedicated to serving residents of a county that is listed on Pages 8 and 9 of the RFA? | Social Services Law §461-I(I) illustrates award requirements. |

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| 62 | <p>Pages 8-9 Section III Part G</p> <p>Page 3 Section II Part A</p> | <p>Would an experienced health care provider (i.e., an Article 28 skilled nursing facility or an Article 7 adult care facility), not currently providing ALP services, whose service area as defined in the RFA and who seeks to develop an ALP through Component A be an Eligible Applicant for this project?</p> | <p>The location of the proposed ALP expansion project must be in an eligible county as listed on pages 8 and 9, Section G. Eligible Counties (Component A) of the RFA. Further, the Eligible Applicant must meet the criteria set forth in page 3, Section II., Part A. Minimum Eligibility Requirements. Additionally, in accordance with Section III., Project Narrative/Workplan, the Eligible Applicant will be required to address how the proposed ALP would address the need for long term care services in the county in which the facility would be located.</p> |
| 63 | <p>Pages 8-9 Section III Part G</p> <p>Page 3 Section II Part A</p> | <p>The facility in which the proposed ALP expansion project will be located has an address in a county with no identified need for additional ALP beds but is about one (1) mile from the border of a county with zero (0) ALP beds. If the facility can demonstrate that its service area is the eligible county with zero (0) ALP beds, will the facility's application still be considered, or will it be rejected on technical grounds due to the address of the facility?</p> | <p>The lists on pages 8 and 9, Section III., Part G. Eligible Counties (Component A) of the RFA are final, with the exception of the addition of Otsego County, as referenced in the RFA modification at the beginning of this Question and Answer document. An application that does not meet the minimum eligibility requirements outlined on page 3, Section II, Part A. of the RFA will not move on to a Stage 2 Review, consistent with the Review and Award Process described in the RFA.</p> |
| 64 | <p>Page 9 Section III Part G</p> | <p>With respect to the Eligible Counties based on occupancy of 85% or greater, is this list considered final, or would the Department consider modification of the counties based on corrected occupancy information?</p> | <p>The list, provided on page 9, Section III., Part G. Eligible Counties (Component A) of the RFA is final. No additional counties will be added based on retroactive amendments to census data.</p> |
| 65 | <p>Page 9 Section III Part G</p> | <p>Please explain the large number of counties that showed 85% occupancy as of the 2017 Annual Census Report but are not listed as Eligible Counties.</p> | <p>The list provided on page 9, Section III., Part G. Eligible Counties (Component A) of the RFA is based on review of the four (4) quarters of 2018 facility self-reported census information.</p> |
| 66 | <p>Page 9 Section III Part G</p> | <p>Per various calculations of public 2018 data, Bronx, Clinton, Delaware, Erie, Essex, Franklin, Fulton, Genesee Herkimer, Rensselaer, Warren, St. Lawrence, Suffolk, Tioga, and Ulster counties have ALP occupancy at 85% or greater. Why were they excluded from the chart on page 9 of counties that have ALP occupancy at 85% or greater?</p> | <p>The list provided on page 9, Section III., Part G. Eligible Counties (Component A) of the RFA is based on review of the four (4) quarters of 2018 facility self-reported census information and is final.</p> |

| Question # | RFA Reference | Question | Department of Health Answer |
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| 67 | Page 9 Section III Part H | Will applicants who are awarded projects be able to substitute another qualified subcontractor for approval by the Department of Health if the original subcontractor is no longer available after approval or if a better subcontractor has been identified? | All awarded ALP projects must be developed in accordance with the proposal submitted in response to the RFA. |
| 68 | Page 10 Section III Part I | How can ALPs enter into agreements with managed care entities when ALP residents are not permitted to enroll into managed care programs? | The associated home care entity (i.e., licensed home care services agency, certified home health agency, long term home health care provider), required in order to provide assisted living program services, is able to enroll into managed care. |
| 69 | Page 10 Section III Part I | What does DOH consider to be alternative funding? | Alternative funding refers to project funding not awarded through Component B of this RFA. |
| 70 | Page 10 Section III Part I | How will DOH determine that such alternative funding is available? | It is the applicant's responsibility to demonstrate the availability of alternative funding in their response to Component B. |
| 71 | Page 10 Section III Part I | What has DOH determined to be acceptable support to demonstrate this community engagement? | It is the applicant's responsibility to demonstrate community engagement, which may include a range of activities, including, but not limited to, employment, education, worship, etc. |
| 72 | Page 10 Section III Part I | What are the DOH requirements, if any, for the substance of requisite collaborative agreements? | There are no specific Department requirements. |
| 73 | Page 10 Section III Part I | Does DOH have a collaborative agreement template available? | The Department does not have a template for a collaborative agreement. |
| 74 | Page 11 Section IV Part C | Will an applicant that applies without having submitted a letter of interest lose points within the application scoring system? | The submission of a letter of interest is not a requirement. |
| 75 | Page 11 Section IV Part C | Would the Department prefer a letter of intent be submitted by email even if the potential applicant does not have Grants Gateway access prior to the letter of intent deadline? | If a letter of interest is submitted, a copy must be emailed to ALPinitiative@health.ny.gov . |

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| 76 | Pages 16-18 Section IV Part I | Are applicants required to make an affirmative statement regarding intended compliance with MWBE and SDVOB conditions in their RFA response? If there is no such requirement, will the scoring of a RFA response be impacted in any way either by making or not making a statement regarding intended compliance with these conditions? | All applicants are required to complete Attachment 2 of this RFA, which can be found under the “Pre-Submission Uploads” section of the Grants Gateway. |
| 77 | Page 21 Section V Part A | Our understanding is that a completed LHCSA, CHHA or LTHHCP application is not required to be included as part of the ALP RFA response. Please explain what information applicants are required to include in their ALP RFA responses regarding the prospective LHCSA, CHHA or LTHHCP (e.g., entity name, documentation, proposed services, etc.). Is any information required beyond what is explicitly stated in the RFA or the applicable Common Application schedules? | No additional information is required beyond what is requested in the RFA and in the applicable ACF Common Application schedules. |
| 78 | Page 22 Section V Part A | Page 22, Item iv. under Schedule 1 elements notes that up to five (5) letters of support must be provided from health care facilities, other community entities or leaders from the geographic region of the Eligible Applicant. The ALP application itself, however, notes that a letter of support/need from the Local County Office on Aging and a letter of support from the Local Social Services District are required. Are these two (2) letters required as part of the up to five letters to be submitted as part of the RFA response? If yes, would these two (2) letters be required in the eligible New York City counties, where securing such letters has traditionally been either difficult or impossible, and the Department has previously waived the requirement on occasion? | The applicant can include up to five (5) letters of support from the geographic region that the Eligible Applicant is proposing to serve and, if available, must submit letters addressing the need for additional ALP beds from the County Department of Social Services (in NYC, the Human Resources Administration - HRA), or the County Office for Aging (in NYC, Office for the Aging). Letters of intent from the local Departments of Social Services, HRA or Office for the Aging may be included. |

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| 79 | Page 22 Section V Part A | Can the Department provide a contact person at NYC Human Resources Administration (HRA) to whom requests for letters of support can be directed? | The Department cannot provide contact information for the NYC HRA. |
| 80 | Page 22 Section V Part A | Can the Department provide a contact person at the NYC Office for the Aging to whom requests for letters of support can be directed? | The Department cannot provide contact information for the NYC Office for the Aging. |
| 81 | Page 22 Section V Part A | What should applicants include or state in the ALP application if they made a request to HRA and/or NYC Office for the Aging to which no response was received? | The applicant may include the letter that was sent to HRA and Aging, requesting letters of support. |
| 82 | Page 23 Section V Part A | Will the Department accept less than three (3) years of annual audited financial statements for applicants that have been in existence for less than three full calendar years? | The Eligible Applicant is required to demonstrate financial feasibility. As referenced on page 23, Section V., A. Application Format/Content, Schedule 4, entities whose financial statements have not been subjected to an audit should include available additional information to satisfy this requirement and appropriate certifications. |
| 83 | Page 23 Section V Part A | At what point in the application process are architectural drawings to be submitted? Would the submission of code-compliant architectural drawings potentially enhance the score of an applicant? | Architectural drawings are not required in response to the RFA but are required during the licensure process for awardees. Applications will be scored in accordance with Part V. of the RFA. |
| 84 | Page 23 Section V Part A | RFA Page 21 notes that the failure to provide “audited financial statements and any other evidence of financial stability” could result in disqualification of an application. If an applicant is a newly formed entity and otherwise eligible as an applicant for the purpose of this RFA, but does not have audited financial statements yet, would its application be disqualified? | The Eligible Applicant is required to demonstrate financial feasibility. As referenced on page 23, Section V., A. Application Format/Content, Schedule 4, entities whose financial statements have not been subjected to an audit should include any additional information available to satisfy this requirement and appropriate certifications. |
| 85 | Page 23 Section V Part A | Will letters of interest or other evidence of financing be required to be submitted with the application? | All applicants are required to demonstrate financial stability. If financial statements are not available, the applicant should include any additional information available to satisfy this requirement. If awarded the opportunity to proceed with their proposed ALP project, the applicant will submit a complete ACF Common Application via the NYSeCON system. |

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| 86 | Page 23 Section V Part A Schedule 4D | Should the ALP column include all revenue and expenses for ALP residents, including SSI revenue, as well as expenses for services not reimbursed by Medicaid such as food, housekeeping, heat, light and power? | The ALP column reflects all revenues and expenses associated with the residents admitted to the ALP. |
| 87 | Page 23 Section V Part A Schedule 4D | Should the home health care column include only those home care expenses and revenues associated with serving clients outside of the ALP? | The Home Health column reflects the Licensed Home Care Agency revenues associated with serving clients outside of the assisted living program. |
| 88 | Page 23 Section V Part A Schedule 4D | Should the adult care facility column include expenses and revenues only for ACF residents who are not admitted to the ALP? | The applicable adult home or enriched housing program reflects all revenues and expenses associated with the adult home or enriched housing program residents not admitted to the ALP. |
| 89 | Page 27 Section V Part D | What impact, if any, does the fact that Queens County with a listed 89% Occupancy Rate also has seven (7) ALP projects in queue have on the Department's determination of community need for applicants proposing to develop ALP beds in Queens County? | All Eligible Projects will be evaluated in accordance with the defined Evaluation Criteria on page 27, Section V., Part D. of the RFA. |
| 90 | Page 27 Section V Part D | How will the Department weigh an application for an ALP located on the campus of a nursing home versus another that is not? | All applications will be scored in accordance with Part V. of the RFA. |
| 91 | Page 28 Section VI Attachments | Could you direct me where to find the template "Attachment 1: Letter of Interest Template" for DOH01-ALPEIB-2020 (Component B)? | Attachments are located under Pre-Submission Uploads in the Grants Gateway. Follow the instructions outlined on Page 12, Section IV., Part E. of the RFA for access to submit an application via the Grants Gateway. |
| 92 | N/A | Does the application for change of ownership need to be submitted in conjunction with the application for proposed ALP expansion project beds? | A Change of Operator application must be submitted via the New York State electronic Certificate of Need (NYSeCON) system and should not be submitted in response to this RFA. |
| 93 | N/A | Is it the Department of Health's expectation that successful applicants will need to submit Schedule 2D and 5B, if required, after the RFA awards are announced? | It is the Department's expectation that applicants awarded the opportunity to proceed with their proposed ALP projects will submit a complete ACF Common Application via the New York State electronic Certificate of Need (NYSeCON) system. |