

**Consumer Directed Personal Assistance Services Program (CDPAP)
Fiscal Intermediary (FI) Authorization FAQ
November 28, 2017**

Q1: Are all FIs required to apply for Authorization within the next 30 days?

A1: All Consumer Directed FIs currently operating are required to submit an application within 30 days of the application release date of November 1, 2017. Additionally, all organizations seeking to become an FI must submit an FI Authorization application and receive approval prior to becoming operational.

Q2: If I am currently operating as an FI, and already have my Medicaid Provider Identification Number (MMIS), do I need to apply for an FI Authorization?

A2: Yes, you still need to submit an application to receive authorization to operate as an FI.

Q3: Will new FIs need to submit an FI Authorization along with the application for a Medicaid Provider Identification number? Or should a Medicaid Provider Identification number first be obtained first?

A3: New FIs must first obtain the FI Authorization prior to requesting the Medicaid Provider Identification number.

Q4: If an FI submits an application by November 30 that is found to be incomplete, will the application for Authorization still be considered to have been submitted in a timely manner?

A4: Yes. If the FI has submitted an application, regardless of its completeness, by close of business on November 30th, the FI will be in compliance with this mandate. However, it is the expectation of the Department that all applicants exercise due diligence and submit an application that is as complete as possible.

Q5: The October 2017 Medicaid Update article states that all materials must be submitted in PDF format. Some marketing and outreach materials do not exist in a format that can be altered to PDF, such as videos and audio segments. How should FIs who utilize video or audio segments submit these for review?

A5: FIs are expected to submit these materials in their original format and the Department will contact the applicants directly if any formatting modifications are necessary.

Q6: There are a lot of documents that must be submitted. If an FI is unable to combine them into one PDF document, is it okay to submit as separate PDF files?

A6: Yes, separate PDF files will be accepted.

Q7: The October 2017 Medicaid Update states that FIs must submit all marketing and outreach materials with their application. Since there are no guidelines, standards, rules, or policies in place for FIs regarding marketing, what standard will be used as the Department reviews these materials?

A7: The Department will utilize the parameters set forth in SSL §365-f and 18 NYCRR §505.28 when reviewing marketing and outreach materials as they pertain to the roles and responsibilities of the FI and the Consumer Directed program overall.

Q8: What is the general timeline for receiving Authorization once the application is submitted?

A8: The Department is committed to reviewing and providing a final determination on each application as quickly as possible. Each application has its own timeline based on the thoroughness of the application.

Q9: If a Managed Care Organization (MCO) discovers that an FI in the plan network has failed to comply with the Authorization requirements, does the Department expect the Managed Care Organization (MCO) to terminate the contract?

A9: If an FI does not submit an Authorization application to the Department by close of business on November 30, 2017, they are considered to be out of compliance with the statute. As a non-compliant organization, they are not authorized to operate as an FI. Until the Department receives the Authorization application, the FI will remain out of compliance. Additionally, the MCO is expected to follow contract termination protocols as identified in the CDPAS Administrative Agreement signed by the FI.

Q10: If an FI already has a Medicaid Provider Identification number that is associated with their Licensed Home Care Services Agency (LHCSA), is the FI required to obtain a discrete Medicaid Provider Identification number for its FI?

A10: Yes. The FI is required to obtain a Medicaid Provider Identification number for their Consumer Directed line of business. The LHSCA Medicaid Provider Identification number does not cover the FI activities for Consumer Directed.

Q11: In the Authorization application, under contractual obligations, where it asks for a “list of any contractual relationships you may have with other state agencies to provide services to such agencies,” can you clarify who is covered under other state agencies? Does MCO contracting fall under this category?

A11: Examples of “other state agencies” may include the Office of Mental Health and the Office for People with Developmental Disabilities. Contracts with MCOs are not to be included in this listing as MCOs are not state agencies. Please identify that relationship by checking the “A Health Maintenance Organization licensed under Article 44 of the Public Health Law” box.

Q12: The Authorization application asks for documents to be included as part of the cooperative agreements. What specifically is needed, as these documents alone can be several hundred pages?

A12: The actual contracts are not required. The expectation is for applicants to submit the cover page, rate sheet (if applicable), and the signature page of each executed contract and cooperative agreement.

Q13: Part I. Identifying Data (Continued), page 4 of the application. Please clarify what exactly is needed for a “certified copy of the resolution of the Board of Directors or Trustees, Board of Supervisors or other governing body having jurisdiction over the Fiscal Intermediary entity”?

A13: FIs are expected to submit a document with original signatures that establishes the FI as its own entity. Please ensure that all Board members sign this document in order for it to be considered “certified.”

Q14: How should an FI that is a Limited Liability Corporation (LLC) which does not maintain a Board of Directors respond to questions prompting for documentation from a Board of Directors? Should it just write N/A in the line for Attachment? Is additional explanation necessary?

A14: Please include the attachment number for the “brief description of the organizational structure of the Fiscal Intermediary, including a table of organization and relationship to any existing or proposed parent entity or controlling person”, which is requested on the previous page. This attachment is where you can indicate that the FI does not maintain a Board of Directors.

Q15: If an FI is currently operational, should "Initial Authorization" under Section II Project Narrative still be checked?

A15: Since the FI Authorization is a new process effective November 1, 2017, all applications submitted will be “initial authorizations.”

Q16: In Section III(1)(b) of the application, the FI must submit copies of policies and procedures. Is the Department only interested in policies and procedures related to the FI’s administration of Consumer Directed activities and compliance, or does it want all policies and procedures for the entire organization? Examples of policies and procedures in question would be internal staff phone and internet policies, mail policies, and other such documents.

A16: Only include those policies and procedures that are related to Consumer Directed activities and services.

Q17: In Section III(1)(c) of the application, must an FI submit surveys or other mechanisms as an attachment, or is it acceptable to describe the process by which Consumers will be surveyed? What information will be requested, and what will be done with any feedback received?

A17: Please submit the surveys or other mechanisms as an attachment. If an FI does not have a survey or a mechanism to solicit feedback, the FI must indicate what they intend to develop to satisfy this requirement.

Q18: In Section IV(F), Establishment Information for Not-For-Profit Corporations, it indicates that each officer or member of the Board must submit a Schedule 1. Does this mean that the CEO/Executive Director and other key staff, if not a Director or Officer, does not need to submit a Schedule 1?

A18: Correct. Only Board members or Officers of the Board need to submit a schedule 1.

Q19: Who is required to complete the Schedule 1?

A19: The responding party is contingent on the organization type. Please see pages 7 and 8 of the application for this information; this is where you will find who is required to complete a schedule 1 based on the type of organization.

Q20: Schedule 1, Question 3 of the application only has space for Board members or officers who are currently employed or retired. If an FI has Board members who are Consumers and have never been employed, which box should they check?

A20: You do not need to check any box here if it is not applicable. Please state that the board member has never been employed in the "Affirmative Statement of Qualifications" section, at the bottom of page 15.

Q21: In Schedule 1, Question 4, should Board members/officers only list those offices or ownerships that are held outside of the FI, or should they also include the FI to which they are affiliated and filing on behalf of?

A21: Both affiliations within the FI and outside of the FI must be detailed here.