

New York State Department of Health Request for Qualifications (RFQ) Independent Quality Monitor

A. BACKGROUND AND OVERVIEW

Purpose

The purpose of this Request for Qualifications (RFQ) is to establish a list of qualified individuals capable of serving as an Independent Quality Monitor (IQM) on an as-needed basis. Independent Monitors oversee improvement of regulatory deficiencies identified in residential health care facilities (RHCF) by the New York State Department of Health (DOH) in consultation with the nursing home. Assignments may be made based on the IQM expertise and geographic location. There is no guarantee of an assignment and DOH reserves the right to stop recruitment or utilization of the list at any time.

Background

Independent Quality Monitors for residential health care facilities are authorized under Public Health Law § 2803-w. As such, DOH may require a residential health care facility to contract with an independent quality monitor selected, and on reasonable terms determined, by DOH, pursuant to a selection process conducted notwithstanding sections one hundred twelve or one hundred sixty-three of the state finance law, for purposes of monitoring the operator's compliance with a written and mandatory corrective plan and reporting to DOH on the implementation of such corrective action, when DOH has determined in its discretion that operational deficiencies exist at such facility that show:

1. a condition or conditions in substantial violation of the standards for health, safety, or resident care established in law or regulation that constitute a danger to resident health or safety;
2. a pattern or practice of habitual violation of the standards of health, safety, or resident care established in law or regulation; or
3. any other condition dangerous to resident life, health, or safety. Such written mandatory corrective plans shall include caps on administrative and general costs that are unrelated to providing direct care (including providing at least minimum staffing levels as determined by DOH) or care coordination.

As part of its oversight functions, DOH conducts routine investigations of nursing homes. DOH issues reports of findings, known as the statement of deficiencies detailing regulatory violations, and where appropriate, required corrective action. The findings of such evaluations may, at times, result in DOH requiring the nursing home to retain an "Independent Quality Monitor" to

oversee implementation of required corrective actions consistent with the provisions referenced above.

DOH Selection of Independent Quality Monitor

When indicated, DOH will select an IQM. Once the IQM is selected, the nursing home will be required to enter into a contract outlining the responsibilities and a payment schedule for the IQM; the full cost of which shall be the sole responsibility of the nursing home.

DOH Oversight

The IQM shall have an initial meeting with the DOH to discuss the scope of responsibility for oversight prior to scheduling any onsite or virtual visit(s) with the nursing home. Such discussions may require an in person meeting in one of DOH's seven regional offices.

B. ELIGIBILITY

Qualifications: To be considered for the role of an Independent Quality Monitor, the candidate must:

1. Not be currently affiliated with any DOH-licensed, funded or otherwise authorized program;
2. Have practical experience and background in the operation of DOH certified or funded programs;
3. Be knowledgeable of current DOH and federal operating regulations, guidance documents and other relevant laws, rules and guidance relating to specific corrective actions;
4. Possess analytical abilities related to interpretation of data and written material; and
5. Demonstrate exceptional written and verbal communication skills.

Preference will be given to candidates with Surveyor Minimum Qualification Test (SMQT) certification.

For purposes of this RFQ the term "affiliated" or "affiliation" is defined as: employed by, owned by, contracted with, consulting on behalf of, and/or receiving any remuneration from a licensed NYS residential health care facility. Affiliated or affiliation may also mean an immediate family member.

DOH will not discriminate against any applicant because of age, race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, or domestic violence victim status or because the individual has opposed any practices forbidden under the Human Rights Law or has filed a complaint, testified, or assisted in any proceeding under the Human Rights Law.

C. DUTIES, ROLES AND RESPONSIBILITIES OF THE INDEPENDENT MONITOR

Based on the specific provider circumstances and identified needs, the duties, roles, and responsibilities of the Independent Quality Monitor shall be to:

1. Act under the direction and at the behest of DOH while being retained by the nursing home;
2. Oversee the implementation of all required corrective action as prescribed by DOH;
3. Submit periodic progress reports, with the frequency determined by DOH, using a tool identified by or approved by DOH, as well as any additional relevant documentation requested by DOH, to the designated DOH representative;
4. Meet with DOH staff when necessary to review activities and reports; and
5. Perform any other duties as deemed necessary by DOH to support quality improvement efforts at the assigned nursing home(s).

D. COMPENSATION

Compensation will be negotiated and agreed upon between the nursing home and the Independent Quality Monitor and shall be included in the final executed contract. Compensation is the sole responsibility of the nursing home. Such oversight must continue until otherwise directed by the DOH.

Note that former State employees applying for this role **must attest** that the post-employment restrictions outlined in Section 73 of the Public Officers Law do not bar their service as an Independent Monitor. Joint Commission on Public Ethics (JCOPE) opinions may be necessary to establish eligibility where deemed appropriate by the applicant or DOH. Applicants may, but are not required, to submit opinions with their applications.

E. APPLICATION REQUIREMENTS

Qualified candidates shall submit a resume, application found in Attachment A and JCOPE opinion where appropriate.

APPLICATION DUE DATE AND SUBMISSION

Applications will be accepted on a rolling basis beginning November 5, 2021. The Independent Quality Monitor list will be amended as applications are received and approved. DOH reserves the right to stop recruitment at any time.

Applications should be submitted via mail to nhIQM@health.ny.gov with a subject line “IQM recruitment”.

F. INQUIRIES AND CLARIFICATIONS

Any questions or requests for clarification about this RFQ must be received in writing and must be submitted by email to nhIQM@health.ny.gov with a subject line “**Inquiries – IQM recruitment**”. Responses will be provided only to the individual asking a question in electronic format as soon as practical.

In the event it becomes necessary to clarify any portion of this RFA, a clarification will be posted to the DOH website.

G. Review and Approval/Non-Approval of Applications

Applications will be reviewed within 30 days of receipt for completeness and to ensure that the applicant has met all eligibility requirements. A determination will be conveyed by email and those individuals who qualify under the guidance of this document will be added to the DOH list of approved Independent Quality Monitors. Any applicants who submit an incomplete application will be notified by email and given one opportunity to submit a revised application.

H. DOH RESERVED RIGHTS

DOH reserves the right to:

1. Reject or disqualify any or all applications received in response to this Request for Qualifications (RFQ) for any reason;
2. Withdraw the RFQ at any time, at the Agency’s sole discretion;
3. Qualify applicants based on skill set, geographical, regional, cultural, linguistic or any other consideration deemed necessary by the DOH to best serve the interests of the State;
4. Seek clarifications and revisions of applications; and
5. Amend the RFQ to correct errors of oversight, or to supply additional information as it becomes available.