

New York State Department of Health Assisted Living Program Initiative Plan

Background:

Pursuant to Chapter 58 of the Laws of 2009, Section 461-l of the Social Services Law (Attachment A), the Commissioner of Health is authorized to add up to 6000 Assisted Living Program (ALP) beds to the total number of ALP beds already available in New York State. The addition of these beds is required to occur over a five year period and the actual number of beds authorized is contingent upon an equal number of nursing home beds being decertified during the same time period. The initiative is intended to continue rightsizing activities that shift State resources to less restrictive long term care options. The New York State Department of Health (NYSDOH) is initiating a non-comparative Solicitation of Interest (SOI) process to meet the requirements of this initiative rather than a Request for Application (RFA) comparative competition among providers.

Overview:

Twenty-five percent of the nursing home beds decertified during the period January 2009 through March 31, 2010 will be utilized as the target for the first round of ALP SOI requests. The total number will set the benchmark for the remaining four years of the initiative, subject to modification due to any decertification of beds outside of the SOI process. The outcome will determine if planning actions such as Rightsizing Demonstrations, HEAL grants or other incentives will be needed. The Commissioner of Health is authorized under Public Health Law, Section 2806(6) (Attachment B) to decertify nursing home beds to assure the approval of the entire 6000 ALP beds.

ALP beds authorized in subsequent SFYs will be determined based upon the pool of decertified nursing home beds from previous fiscal year(s) which are unassigned less those previously approved for specific ALP operators. Nursing home beds which are voluntarily or involuntarily decertified in those SFYs will also be added to the pool of available ALP beds.

The initial pool of available ALP beds was created from previous nursing home bed decertification activities. The number of ALP beds currently available by county and by region is listed below:

<i>Pool of Available Beds as of March 2010</i>	
Region	# of Beds
Central	351
Hudson Valley	375
Long Island Region	0
NYC Region	433
Northern Region	0
Western Region	433
Statewide Total	1,592

Regions used to match ALP bed availability to nursing home decertification will be those regions used by the Commission on Health Care Facilities in the 21st Century (“Berger”). These regions will also be used for SOI processing.

ALP beds approved in exchange for decertified nursing home beds will be deducted from the total of 6000 authorized beds statewide over the remaining period until the decertification of 6000 nursing home beds has been realized.

Process:

A notice will be posted on the NYSDOH web site regarding the Berger region and number of available ALP beds with a timeframe for submission of SOIs. The SOIs will be reviewed for completeness and accuracy. As beds become available within a region, SOIs will be continuously accepted and processed in batches. Reviews will be based on a justification by the applicant addressing how ALP beds address the need for such long term care services in the region in which the beds are located. SOIs not initially selected for ALP beds will be kept on file until the end of the five year period and reconsidered periodically as additional ALP announcements are issued. SOIs may be amended or updated at any time.

ALP Initiative: Year 1:

Utilizing the HEAL 12 grant process, 1,124 nursing home beds were decertified and 1,045 ALP beds awarded. With the addition of nursing home beds decertified outside of the HEAL 12 process there are 1,592 beds available in the ALP pool as of March 2010.

ALP Initiative: Year 2:

The following provides additional detail on the SOI process for the Year 2 ALP Initiative:

1. A nursing home operator seeking to decertify nursing home beds may apply to establish ACF/ALP beds through this process. Nursing home operators will be required to include justification as to how such ALP beds address the need for such long term care services in the region in which the nursing home is located.

Nursing home operators selected under the SOI process will be notified to submit the appropriate Article 28 CON application to decertify a designated number of nursing home beds and Article 7 Certificate of Need (CON) applications to establish an ACF/ALP. The number of ALP beds approved will not exceed the number of nursing home beds decertified. If the number of ALP beds requested is less than the number of nursing home beds decertified, those beds will go into the general pool of ALP beds authorized and available for future solicitations.

2. Existing or proposed Adult Care Facility (ACF) operators may submit an SOI for ALP beds which have become available as a result of decertified nursing home beds in those instances where ALP beds have not been requested by the decertifying nursing home operator.

ACF operators who are selected under the SOI process will be notified to submit an Article 7 ACF/ALP Certificate of Need (CON) application to establish an ALP program. In addition, in the first release of the SOI in year one preference will be given to SOIs proposing the creation of new ALP beds over SOIs proposing the conversion of other licensed Adult Care Facility beds

3. SOIs received will be batched and triaged. The priority of the processing will be as follows:

- **Highest Priority:** Applications which propose to decertify nursing home beds in which the number of nursing home beds decertified is greater than or equal to the number of ALP beds requested.
- **Middle Priority:** Applications which propose to decertify nursing home beds and the number of nursing home beds being decertified is less than the number of ALP beds requested.
- **Lowest Priority:** Applications which propose to decertify no nursing home beds.

ALP Initiative Years 3, 4, 5:

The number of nursing home beds decertified and ALP beds available will be recalculated on a continuous basis. Ongoing analyses will be made to determine the need for additional planning actions to be taken by the Commissioner to provide incentives for decertification of nursing home beds.