

Assisted Living Program
Question and Answers
July 30, 2007

1. Will the Department give preference to applicants in Suffolk County who are able to serve residents with a particular set of characteristics or needs? If so, what characteristics or needs? Also, will the Department prefer applicants who plan to use the ALP beds to serve the targeted population exclusively, or will the Department prefer applicants who intend to use the ALP beds to serve the targeted population as well as individuals with other needs and characteristics?

As stated in the announcement letter for this application:

For the purposes of this Request for Applications, the highest consideration will be given to applications that demonstrate:

- *Projects targeted toward services to the frail elderly, who would otherwise be at risk for inappropriate placement in a residential health care facility due to the lack of an appropriate home environment in which to live and safely receive services;*
- *The applicant's commitment to admit and retain individuals in receipt of Supplemental Security Income (SSI), Safety Net benefits or Medical Assistance (MA);*
- *Proposals that increase the supply of new ALP beds rather than convert existing adult home and/or enriched housing program beds to ALP beds and;*
- *The applicant's ability to commence services most quickly by demonstrating completion or near completion of financial arrangements, site control and architectural planning.*

2. With respect to each county, will the Department have any preference for applicants based on their proximity to the facility that was closed?

No. Preference will not be given based on proximity to the facility that was closed. Any facility located within the specified counties will have an equal opportunity of approval.

3. With respect to each county, will the Department have any preference for applicants that have established relationships with the referral sources that referred patients to the facility that was closed?

No. Preference will not be given to applicants based upon the applicant's relationship with the referral sources.

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4. How will the Department strike a balance between the competing goals of, on one hand, having the ALP beds increase (rather than convert a portion of) the state's existing supply of adult care beds and, on the other hand, having the new ALP beds and facility space constructed and operational as quickly as possible?

Based on the Berger Commission recommendations, the goal is to increase the availability of ALP beds without decreasing the current number of non-ALP beds.

5. The Legal Instructions refer (on page 2) to an Appendix entitled "ALP Limited Liability Companies: additional Legal Requirements" and to an Appendix entitled "ALP Business Corporations: Additional Legal Requirements." We have not found these appendices on the Department's website. May we safely assume that nothing in these appendices would apply to an application submitted by an applicant organized as a partnership?

If an applicant is organized as a partnership, a DBA (Certificate of Doing Business As) filed with the county clerk in the county in which the ALP will be located, is required. A Partnership agreement (18 NYCRR 485.6(d)(5)) is also required if more than one person is to be certified. Additionally, only a general partnership comprised of natural persons is permitted; a limited partnership is not permitted. If the applicant is a general partnership, the appendices, "ALP Limited Liability Companies: additional Legal Requirements" and "ALP Business Corporations: Additional Legal Requirements" are not necessary. These appendices are required for an applicant applying as a Limited Liability Company or a Business Corporation, respectively. An applicant may request a copy of these Appendices for the Department, if needed.

Upon review of the application, the Department may determine that additional information is needed and may be requested from an applicant prior to approval.

6. The construction of 50 ALP beds in Suffolk County would not appear to be feasible from an economic perspective unless it could be constructed as an addition to an existing Adult Care Facility. Would the Department consider increasing the allocation in Suffolk County to 80 beds?

No. The allocation of 50 ALP beds cannot be increased in Suffolk County. This is a direct result of the statutory requirement that Brunswick Hospital Center, Inc. downsize all 94 RHC facilities and close as an Article 28 long-term care facility. (See Final Report of the Commission on Health Care Facilities in the 21st Century. a.k.a. The Berger Report at: www.nyhealthcarecommission.org)

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7. Related to number one (1) above, the Department appears to be considering the economy of scale factor for Tompkins County by providing 80 ALP beds for this geographical area since there are no ALP beds currently in existence in this County. It appears that the Department is assuming that a freestanding ALP fewer than 80 beds would be problematic. Furthermore, five (5) of the six (6) existing Adult Care Facilities in Tompkins County are very small with capacities of 36 beds or fewer.

An applicant may apply for less than the solicited number of beds and be approved for that lesser number.

8. Will the application be approved as submitted or will the department come back with a counteroffer of fewer beds?

As stated on page 2 of the announcement letter, "the Department expressly reserves the right to issue notices of conditional approval to applicants which approves a lesser number of ALP beds than requested by the applicant." For example, if the need is 80 beds, and two applicants seek approval of 50 ALP beds each, the Department may allocate and approve 40 beds to each applicant, or any combination that adds up to 80 ALP beds.

9. We have four LHCSAs in adjoining Erie County. Should I request that one of those LHCSAs be licensed in Niagara County so we have a Niagara County LHCSA prior to our submission?

An applicant is required to be licensed as a LHCSA in the specific county in which it intends to operate. If the applicant is already licensed as a LHCSA within the same region as the proposed county, the applicant may request approval to operate in the proposed county through the New York State Department of Health Regional Office.

10. How is your office going to react to architectural sketches instead of full construction documents? Should we file a waiver of architectural review with the CON?

Applications that are from currently licensed Adult Homes or Enriched Housing Programs may provide architectural sketches (scaled floor plans with room names and dimensions, etc.) together with a written description of fire alarm, detection and protection systems will be accepted in lieu of full construction documents. However, applications that are seeking new licensure as an Adult Home or Enriched Housing Program, or propose new construction, renovations or alterations will eventually be required to submit for approval, a full set of construction documents bearing the seal and signature of a registered architect (RA) or professional engineer (PE). A waiver of architectural review will not be accepted.

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11. Our CON will be to construct a brand new building (adult home) to house 50 ALP beds and 30 – 40 non-ALP beds for a total of 80 -90 units. Exactly, what forms are required to be considered a full and accurate submission for this type of submission? Is there anything other than filing the CON needed to be considered for this RFP?

The ALP application as posted as part of this solicitation is all that an applicant is required to submit. An ALP application allows an applicant to apply for Adult Home and Enriched Housing Program licensure simultaneously. If an applicant is also applying as a Licensed Home Care Service Agency, the requirements set forth on page 12 of the ALP application are also required.

If you are awarded contingent approval through this competition, the Department reserves the right to request additional information or clarification as part of the licensure process.