



ALP OPPORTUNITY FOR DEVELOPMENT FREQUENTLY ASKED QUESTIONS # 1

Q1. Regarding the need for an ALP to contract with their local County Department of Social Services for Medicaid Payments - I heard that a facility in Westchester (Yonkers) would be considered a "NYC" facility and would contract directly with the NYS Dept. of Health rather than the Westchester County DSS. Is this correct?

A1. *No, a facility located in Westchester County will enter into a contract with the Westchester County Local District Social Services for the provision of the Assisted Living Program.*

Q2. Is there any financial assistance (grants, financing, etc.) provided as part of the ALP OFD? If so, please provide detail on the type and amount available.

A2. *There is currently no financial assistance available for this Opportunity.*

Q3. If an applicant is approved for an ALP in one county, is it permissible to submit an OFD for a second one in the same county?

A3. *Yes, an applicant may submit a separate OFD to apply to have more than one Adult Care Facility with Assisted Living Programs in one or more counties.*

Q4. If an applicant has applied for HEAL 21 grant funding which includes development of an ALP, is it necessary to submit an OFD for the same project?

A4. *Yes. HEAL 21 did not award any ALP beds. Any applicant that does not have ALP approval at this time must apply for ALP beds through the OFD process.*

Q5. Will priority be given for new construction as opposed to renovation of an existing facility when developing ALP beds?

A5. *Yes.*

Q6. If an economically troubled, older Adult Care Facility without ALP beds closes, and is re-opened by a new operator, unrelated to the prior operator, subsequent to major renovation that would include the development of ALP beds, would those ALP beds be considered "new" to the system?

A6. *If the beds actually close, then yes.*

Q7. Although the decertification of RHCF beds is no longer required in order to secure approval of ALP beds, if an applicant proposes to decertify RHCF beds as part of its OFD response, would the RHCF bed decertification increase the applicant's score if the service area is deemed to have an excess of RHCF beds?

A7. *No, the decertification of RHCF beds has no impact on this OFD initiative.*



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Q8. If you are an existing operator in one county, may you use the same corporation to apply to operate ALP beds in a different county?

A8. *An applicant may use their existing corporate structure to establish an Adult Care Facility/ALP in another county.*

Q9. If you have an existing 200-bed ACF, can you apply to add, for example, 50 new ALP beds to the operating certificate – or is there a 200-bed cap per operating certificate?

A9. *There is a 200 bed maximum for an Adult Home (NYCRR Title 18 487.3(f)(1)).*

Q10. Will there be partial awards - if you ask for 200 new ALP beds, will DOH consider granting, for example, 50 beds?

A10. *The Department may offer the applicant less ALP beds than the applicant requested.*

Q11. The OFD does not require the submission of architectural documents or an operating budget. May an applicant provide such documents as an addendum to its OFD response?

A11. *The applicant should follow the OFD instructions provided.*

Q12. Has the Department developed an allocation of beds by Economic Development Region and/or by County, and if so, will the Department share that allocation?

A12. *No, this Opportunity is available statewide.*

Q13. May a new applicant who enters into a contract to purchase an existing Adult Care Facility assume the ALP Opportunity for Development response submitted by the current operator?

A13. *Yes, any Agreements, executed or proposed agreements, must be submitted with the OFD.*

Q14. Please further explain the meaning of the Note referencing the checklist on page 2 of the ALP 6000 - Opportunity for Development Form Instructions requiring "Each applicant listed above should individually complete this checklist" and how applicants need to comply; i.e., must each board member, member or shareholder complete the checklist? May the checklist be reproduced or should page 2 of the Instructions be used? Where should it be placed in the order of submission in the response?

A14. *The checklist applies to business type. Some Proposals will have more than one applicant and all information is needed for all entities involved.*



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Q15. May an applicant who is not the current operator of a certified Adult Care Facility but who has an active Certificate of Need application on file, request ALP beds through the Opportunity for Development process for that active application?

A15. Based on the information provided, assuming that the CON application on file is for the purchase of the ACF in question. A Purchase and Sale Agreement should be included with the OFD.

Q16. May the operator of an Assisted Living Residence (ALR) or an applicant with an active application for ALR beds on file request Assisted Living Program beds for that facility through the Opportunity for Development process?

A16. Yes, an applicant with a licensed Assisted Living Residence, or an applicant with a pending Assisted Living Residence application, may apply for ALP beds through this Opportunity.

Q17. If an operator of a currently certified Adult Care Facility that is licensed as an Assisted Living Residence submits an Opportunity for Development response, is selected and awarded ALP beds, is the ALR bed capacity reduced by the number of awarded ALP beds?

A17. Adult Care Facility beds can be both ALP beds and Assisted Living Residence beds with certification as Enhanced or Special Needs beds. For example, facilities may consider this for their Dementia Units. Applicants who are awarded ALP beds may elect to have such beds remain designated as ALR or ALR with EALR and/or SNALR.

Q18. If the operator of a certified Adult Care Facility has a Limited LHCSA and is awarded ALP beds through the Opportunity for Development process, does a new LHCSA application have to be filed or can the Limited LHCSA satisfy the LHCSA/ALP requirement?

A18. A new Licensed Home Care Services Agency (LHCSA) application would have to be filed.

Q19. Must an applicant in the Opportunity for Development process provide documentation regarding their current or proposed legal structure?

A19. Yes, the legal structure must be documented and must contain the appropriate purposes language.

Q20. Is a Commitment Letter or a Letter of Interest with a statement of commitment to follow once approval is given sufficient to document the amount and source of funding?

A20. A Commitment Letter or a Letter of Interest is acceptable for the amount and source of funding. A total cost projection is also required for the OFD.



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Q21. Will the submitted Opportunity for Development responses be reviewed on a competitive basis?

A21. The responses will be evaluated for completeness and then forwarded to the review team for further evaluation.

Q22. Is there a date by which beds approved through the Opportunity for Development process must be operational?

A22. The ALP beds must be operational (licensed) within 22 months of ALP award.

Q23. What are the expected timeframes for Opportunity for Development applicant selection and notification?

A23. By Fall 2012.

Q24. Is there an estimate of the time frame between notification of Opportunity for Development selection and the due date for submission of the ACF/ALP Certificate of Need application?

A24. The Department must receive a letter of "intention to proceed with the development of an ALP" within thirty (30) days of the OFD ALP award letter.

Q25. If there is a pending application before the department for the certification of an adult home which does not have Part 1 approval, should this applicant submit an OFD request, would this request be considered as a priority 1 (as new beds) versus the conversion of beds?

A25. Yes, these would be considered new beds.

Q26. Please provide the most current SSI and Medicaid reimbursement rates by region for the ALP program.

A26. The rates that are available are included in a link at the OFD web site.

Q27. Are existing bathrooms that are handicapped accessible under an older building code (NYC 1997) acceptable if 5' diameter turn-around space overlaps the water closet by 3", thereby eliminating very expensive relocation of tiled walls and relocating plumbing. Are waivers possible?

A27. Waivers may be possible. If selected to proceed, architectural and/or building issues should be addressed as part of the application process.

Q28. Are facilities that filed an application for new ALP beds under the previous Solicitation of Interest process, and whose applications were not acted upon, required to submit a new application under this Opportunity for Development?

A28. No, but is highly encouraged.



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Q29. On the bottom of page 2 of the OFD Form Instructions, the applicant is prompted to complete a checklist included therein with regard to the composition of the operator. The checklist is included in the instruction section rather than in the application itself. Is it DOH's intent for applicants to complete the checklist on the bottom of page 2 and, along with the information for each of the applicants/members/shareholders, attach it to the actual application form?

A29. *Yes, the legal and applicant information requested should be provided as an attachment.*

Q30. The ALP "Initiative Plan" document indicates that new OFD proposals 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. For applicants in such circumstance, will they be given the opportunity to amend their application when the additional ALP announcement is made?

A30. *Yes.*

Q31. There are places for two signatures on the last page of the application. Is it acceptable for one authorized person to sign on behalf of the applicant or is more than one signature required?

A31. *One authorized person may sign on behalf of the applicant. The additional signature line was provided to be used as needed.*

Q32. Will the ALP application form that awardees are required to complete be the same application that has been used for past awardees? The most current application posted on the DOH website appears to be from the Niagara County 2009 solicitation at http://www.health.ny.gov/facilities/assisted_living/program_application/alp_niagara/docs/2009-06-19_niagara_alp_application.pdf.

A32. *The ALP application has been updated. The prior application forms should NOT be used. Applicants that are awarded ALP beds through this opportunity will be given the instructions on how to access the updated ALP CON application via the Department's web site.*

Q33. A currently licensed ALR wants to apply for ALP capacity in a portion of the facility. Because ALPs are exempt from ALR, would their ALR operating certificate need to be amended? In such a circumstance, should this be noted in the OFD, or only addressed following the award of any ALP beds?

A33. *Any changes in certification or capacity will result in an amended Operating Certificate. The OFD should state the number and type of beds as currently licensed and as proposed.*



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Q34. May applicants who are awarded ALP beds elect to have such beds remain designated as ALR or ALR with EALR and/or SNALR, regardless of 10 NYCRR § 1001.2(a)(5), which we read as exempting ALPs from a requirement to become licensed as an ALR, but do not exclude them from electing to do so.

A34. See also A17. Applicants who are awarded ALP beds may elect to have such beds remain designated as ALR or ALR with Enhanced ALR and/or Special Needs ALR.

Q35. May an applicant who operates a facility that is 100% SNALR apply for ALP beds for the building, which would serve residents who qualify for the ALP and the SNALR?

A35. Yes, this is allowable.

Q36. Where an applicant operates both ALR only and SNALR beds, may some or all ALP beds be designated to serve only the SNALR portion of a building?

A36. Yes.

Q37. During the CON application process to follow the OFD, will TPACs be required only for ALP applicants undergoing construction or renovation and those who are applying to become a new ACF?

A37. Architectural and/or building requirements should be determined as part of the ACF/ALP CON submission. The TPAC form may be modified before ALP decisions are made.

Q38. Will applicants proposing to convert currently licensed ACF beds to ALP beds be required to comply with I-1 building code standards as part of the post OFD CON application process?

A38. Yes, the building must conform to I-1 building codes.

Q39. An applicant operates an existing ALP/LHCSA but would like to apply for ALP capacity in another county. In order to use the same LHCSA, it may be necessary to expand the counties that they serve on their LHCSA license. Like the creation of a new LHCSA, would such an expansion be done after award of ALP beds or would action need to be taken as part of the OFD proposal process?

A39. The LHCSA expansion should be addressed after receiving notification of the awarding of ALP beds.

Q40. Will there be other OFDs for ALP beds prior to the March 31, 2014 deadline? If so, when will the next OFD be announced by the Department?

A40. Unclear at this point.

Q41. How many ALP beds will be awarded by the Department in this OFD?

*A41. The OFD announced **up to** 4,718 ALP beds.*



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Q42. Is there any limit on the number of ALP beds an applicant can apply for in this OFD?

A42. No; except the 200 bed cap per the regulations.

Q43. Is there any benefit in an Applicant submitting its OFD prior to the July 18, 2012 deadline?

A43. No.

Q44. How will the ALP beds awarded under this OFD be allocated? Will applicants be grouped or judged on a regional basis or on a statewide basis? If by region, will it be divided by Economic Development Regions?

A44. Refer to the NYS DOH ALP Initiative Plan, page 2, for evaluation information.

Q45. Is there a certain number of ALP beds allotted to each Economic Development Region? If so, what is the breakdown of ALP beds per region?

A45. No. The 4,718 has not been pre-allocated by Economic Development Regions.

Q46. Can the Department award less ALP beds than are applied for by an applicant in this OFD?

A46. Yes.

Q47. When are awards for this OFD expected to be announced?

A47. In the Fall 2012.

Q48. Does an applicant need to submit proof of site control as part of the OFD, or will this be addressed in the Assisted Living Program Certificate of Need Application?

A48. Proof of site control, or a proposed Purchase and Sale Agreement, should be provided in the OFD.

Q49. Can the Department provide examples of the type of documented information requested to support the proposal to expand access to ALP beds and where there may be unmet demand (Page 1 of OFD, Section 2 of OFD Proposal Summary)?

A49. Applicants should use market studies or other sources of information to justify their proposal for ALP beds.

Q50. Does the applicant need to submit a budget proposal to respond to the request for Financial Information of the OFD? If so, will the Department provide budget forms which the applicant must complete?

A50. Budget forms are not required with the OFD. The Total Project Cost and the funding sources must be included in the proposal.



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Q51. If an applicant applied for, but was not awarded beds pursuant to Round One or Two of the ALP 6000 SOI, will the applicant's previous ALP 6000 SOI application be automatically rolled into the pool of applicants for this OFD? If so, does the applicant have an opportunity to update or supplement what it previously submitted for the ALP 6000 SOI?

A51. Yes, but we strongly urge applicants to reapply under this initiative.

Q52. Has the Department rendered a decision on the Round One and Two ALP 6000 SOIs? If not, when will the Department be rendering these decisions? Will an applicant in the ALP 6000 SOIs have a right to appeal? If so, how?

A52. The Department has made its decisions regarding Rounds One and Two of the SOI. Those applicants have already been notified of their ALP Bed awards. Applicants not selected may request an Administrative Hearing after the 5 year program ends (March 2014).

Q53. Have the 1,282 new ALP beds from the two ALP 6000 SOIs all been officially awarded by the Department? If not, will the excess beds be rolled into the OFD?

A53. ALP beds have already been awarded under SOI 1 and 2. All ALP beds remaining from earlier SOIs are now available.

Q54. The second page of the Dear Potential Applicant letter provides that priority will be given to applicants that commit to the admission and retention of individuals eligible for or in receipt of Supplemental Security Income, safety net assistance, or Medial Assistance. In the Department's evaluation of an applicant's submission, how much weight is given to this?

A54. Specific evaluation information is not public.

Q55. The second page of the *Dear Potential Applicant* letter states that priority will be given to applicants that will increase the supply of existing adult home or enriched housing beds. Does this mean that an applicant requesting new ACF beds along with ALP beds will be given preference? If so, wouldn't this be inconsistent with current or proposed DOH policy?

A55. Yes, an applicant requesting new ACF beds is given preference. The award of "new" ALP beds versus conversion has been the Department policy for most SOIs and RFAs.

Q56. Will an applicant requesting to open a new Adult Home, requesting both ACF and ALP beds be given priority?

A56. Proposals that increase the number of new licensed ACF/ALP beds will be given preference over those that offer conversions.

Q57. Does the applicant need to submit anything regarding the Architectural Component as part of the OFD, or will this all be handled in the Certificate of Need application?

A57. No, the architectural component will be addressed in the ACF/ALP CON application.



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Q58. How will the applicants be scored? What is the scoring methodology?

A58. This information is not publicly available.

Q59. Does the size of the proposed ALP have any impact on priority – e.g., if one applicant proposes 120 ALP beds and another proposes 200 ALP beds, and everything else is equal between the two proposals, will either proposal be given priority?

A59. No.

Q60. If an applicant has recently invested money to improve the facility that it proposes to develop as an ALP, will this fact be viewed as beneficial to the proposal?

A60. The Certificate of Need (CON) application for those renovations should be referenced in the OFD as related to the timeline associated with making the ALP beds operational.

Q61. If one applicant has \$100 million in available funding and a second applicant has \$50 million in available funding, and everything else is equal between the two applicant's proposals, will the applicant with \$100 million be given priority?

A61. No, an applicant will need to show financial resources sufficient to cover start-up and operating costs, along with any other costs of construction or renovation. The available funding need only cover actual costs.

Q62. May one applicant submit, for example, four (4) distinct ALP proposals within one OFD response, or must the applicant submit four (4) separate OFD responses?

A62. The applicant should submit four (4) separate OFD responses, as information is needed on each facility.

Q63. Some older certified Adult Homes, while meeting the physical plant space requirements under which they were certified and the existing requirements for smoke detection and automatic sprinkler systems, smoke stops and centralized call systems, have more than 2 residents sharing a bedroom. May they continue to have more than 2 residents share those rooms as an ALP?

A63. Changes to a facility's Operating Certificate require that current ACF/ALP regulations be met. The architectural or building component will be addressed as part of the ACF/ALP application.

Q64. Are semi-private rooms acceptable in ALP housing model?

A64. Perhaps, based on the layout of the room. The environmental standards are addressed in NYCRR Title 18 Parts 487 and 488.



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Q65. Is there any cost associated with the ACF/ALP CON submission? If so, how much does it cost?

A65. There are no fees associated with filing the ALP application. The LHCSA has an application fee of \$2,000.

Q66. If we partner with a homecare agency, would this agency need to be included on our application?

A66. Yes.

Q67. When do we apply for the license to provide ALP housing?

A67. If notified of the award of ALP beds through this initiative, the applicant would then submit an ACF/ALP Certificate of Need (CON) application.

Q68. As a current licensed AH, could we convert our existing beds into ALP?

A68. Yes, this is allowable.

Q69. What is the required staffing pattern?

A69. NYCRR Title 18 Part 494.6 (a)(1) states that the operator must provide staff sufficient in number and qualified by training and experience to render, at a minimum, those services mandated by statute or regulation.

Q70. With regards to a mixed use model, could ALP residents live under the same roof as Adult Home residents?

A70. Yes, an ALP must be licensed as an Adult Home (AH) or an Enriched Housing Program (EHP).

Q71. How or from whom would we get referrals?

A71. The applicant should seek to establish referrals in their service area.

Q72. If we are an organization without a LHCSA or CHHA license, would that status affect the rating of our application?

A72. No, your organization may apply if selected to proceed with the ALP.

Q73. Is Joint Commission on Accreditation of Healthcare Organizations (JCAHO) mandatory or recommended?

A73. No.



ALP OPPORTUNITY FOR DEVELOPMENT FREQUENTLY ASKED QUESTIONS # 1

Q74. We have been awarded a HUD-202 Grant to develop a 72 unit facility. This project is in early development. We would like to have an ALP component in this facility. Can we submit an ALP application now or must we await the finish of development and construction in about 24 months?

A74. You may submit the Opportunity for Development (OFD) proposal at this time. The HUD information should be attached to the OFD, along with a Project time-line.

Q75. It's clear that the state wants 'new capacity' to be developed. Will developing ALP beds within an existing HUD 202 building qualify as 'new capacity', as compared to an ACF converting beds, and thus given higher priority?

A75. Yes.

Q76. Can you share what percentage of Medicaid-eligible individuals DOH expects ALP applicants to serve? Is there a specific guideline, or would it be dependent on the details of the project?

A76. There is not a specific percentage. The regulations give preference to those that commit to the admission and retention of individuals eligible for SSI, safety net assistance or Medical Assistance.

Q77. Being able to initiate a project quickly is one of the criteria. If a NYC applicant had land but had to build new, would this still fall within the range of consideration as it relates to being able to start the program quickly?

A77. Possibly. The OFD proposal should contain a Project Time-line.