

ALP Application Questions and Answers

RFA #330

Program Component Questions

Q1. Will there be any flexibility in terms of considering applications from providers in neighboring counties, if a need can be demonstrated, or are the county designations firm?

A1. Applicants from the four counties listed (Jefferson, Orange, Schenectady and Westchester) are eligible to apply, as are applicants from any other NYS county. The applicant must demonstrate the ability to serve the population identified by the Commission as needing ALP beds for the county being solicited.

Q2. May an applicant that submitted an application in response to the 1584 ALP Request for Applications (RFA) reapply for beds by responding to this RFA?

A2. Yes. Applicants that have previously submitted an ALP application in response to ALP RFA #1584 released on September 27, 2007, are not required to submit another application. In lieu of an application, the applicant may send the Department a letter indicating the intent to use the previously filed application for this RFA. In addition, new or additional information may be provided to supplement the application previously filed. If the applicant is not currently located in one of the four counties listed in the RFA, the letter must clearly state which county or counties the applicant intends to serve and the number of beds that are being proposed.

Q3. Do new Medicaid ALP beds in an existing Enriched Housing Program require a separate CON application for the Enriched Housing?

A3. No. If the facility is already licensed as an EHP, the application need only address the ALP beds. If EHP licensure is being applied for, the ALP application allows an entity to apply simultaneously for certification as an Adult Home (AH) or Enriched Housing Program (EHP) and a Licensed Home Care Services Agency (LHCSA).

Q4. We have the following questions pertaining to the Assisted Living Program (ALP) Request for Applications (RFA) issued for Jefferson, Schenectady, Orange and Westchester Counties:

1. Must the proposed ALP project be physically located within the four counties identified in the June 30, 2008 "Dear Potential Applicant letter (Jefferson, Schenectady, Orange and Westchester)?
2. If the answer is no, are there any physical/geographic boundaries within which a proposed project must be located? If the answer is yes, what are those boundaries, specific to each of the four identified counties?
3. If the answer is no (meaning the Department cannot or will not identify alternative boundaries), will proximity to one of the four counties be a factor in scoring? If so, how will that be weighted or scored as compared to other factors?

A4. As stated in the answer A1, applicants from any county in New York State are eligible to apply. Proximity to one of the four counties (Jefferson, Orange, Schenectady or Westchester) has no bearing on the score.

1. The proposed ALP project does NOT need to be physically located within one of the four counties identified. However, the applicant must demonstrate the ability to serve the population identified by the Commission as needing ALP beds for the county being solicited.
2. There are no physical/geographic boundaries within which a proposed project must be located.
3. Proximity to one of the four counties is not directly scored. However, the applicant must demonstrate the ability to deliver services to the population identified in a reasonable and

effective manner.

Q5. All other things equal, will a project within one of the four identified counties score higher than one that is contiguous?

A5. Location of the project is not considered in scoring. A project located in one of the four identified counties will not necessarily score higher than one located outside of those counties.

Q6. If an application is for a project located in a county other than one of the four identified, is a letter of intent required from only the county Department of Social Services within which the project will be located, or from one of the four identified counties as well?

A6. The letter of intent must be from the Departments of Social Services located within the county whose population is being served by the ALP.

Q7. If an applicant for the previously issued 1,584 ALP RFA that was not awarded beds and now wishes to be reconsidered for this current 330 RFA, how should they proceed if:

- a. They wish to have their original application reconsidered, without amendment?
- b. They wish to have their original application reconsidered, but with amendments?
 - If amending their original application, do they need to submit the entire application, or only the amended portions?

A7. a. For the applications received in response to the 1,584 ALP RFA to be reconsidered, only a letter of intent needs to be submitted by September 29, 2008.
b. To amend the prior submission, only new or revised attachments should be included (originals and five copies). The entire application need not be resubmitted, but all attachments should be clearly labeled to enable the reviewers to put the new information in the correct section of the application.

Q8. How will previous 1,584 RFA applicants be handled in scoring? For instance, will you only re-score those portions of the application that they have amended, or will you re-score all sections vis-à-vis how they compare to other applications?

A8. Applicants that previously submitted an ALP application in response to ALP RFA #1584 released on September 27, 2007, may use the same application for the 330 ALP RFA. If an ALP RFA #1584 applicant wants to use their same application, or a portion of the same application, a letter indicating the intent to use the previously filed application for this RFA is necessary. However, the application will be treated as a new application and rescored accordingly.

Q9. What criteria are used for scoring applications, and how are they weighted?

A9. Scoring consists of five components: the highest score possible is 100. Program is 30 points; Legal is 5; Financial is 15; Architectural is 30; and Character and Competency is 20.

Q10. Other than the changes identified in the "Dear Potential Applicant" letter, were there any other changes made to the application itself? In other words, is the application the same as the one used for the 1,584 application?

A10. The only change to the 1584 ALP Request for Applications refers to marketing studies. Marketing studies are NOT necessary for this RFA.

Q11. If an organization has a pending Adult Care Facility license, meaning that they have Part 1 approval and an assigned project number, but have not yet obtained the actual license, are they eligible to apply for the ALP beds under this RFA?

A11. Yes. The applicant should include information, such as the number of each type of bed, as though the approvals have been obtained.

Legal Component Questions

Q12. In reference to the legal section A 2. "Proof of ownership of or right of access to real property..." May an application be submitted prior to obtaining a site for the proposed ALP?

A12. The applicant must be able to prove site control for the property where the ALP will be located. At a minimum, a sales or lease document for the property (these may be proposed documents, if the transaction has not yet been completed).

Architectural Component Questions

Q13. For the architectural section, "Preliminary plans describing complete proposal and construction shall be submitted in duplicate." What level of detailed drawings is required?

A13. At a minimum, preliminary plans should be prepared by a NYS registered architect or licensed engineer and should show a complete building layout including sizes of all rooms and spaces of the proposed ALP. Indicate where the ALP beds will be, as well as the location of leisure and dining spaces.

Q14. We are an existing licensed Adult Care Facility (Adult Home and/or Enriched Housing Program) which was initially licensed before current structural/environmental Adult Care Facility (ACF) regulations became effective in 1984. Our licensed ACF building(s) currently lacks an automatic sprinkler system throughout, but has remained licensed because our ACF was "grandfathered in" when the 1984 ACF regulatory environmental standards took effect. If we propose to convert some and/or all of our licensed ACF beds to Assisted Living Program (ALP) beds, will compliance with the sprinkler requirements in Section 494.7 of the ALP regulations be mandated? Can currently licensed ACFs be able to submit a request for a waiver of the sprinkler requirements?

A14. The sprinkler requirements in §494.7 are mandatory. Compliance with Part 494.7(c)(2) requires that an automatic sprinkler system, complying with NFPA13, be installed throughout the building. The Department will not grant any waiver of this regulation.

Q15. We are an existing licensed Enriched Housing Program and do not have smoke barriers at corridors as they are not required for EHP. Will we have to install smoke barriers?

A15. Smoke barriers in corridors at 100' will be required in adult homes and enriched housing programs for certification as an Assisted Living Program. A smoke barrier means a continuous fire-rated partition or wall, extending from one exterior wall to another exterior wall, with all openings (doorways, etc.) protected with fire-rated and smoke-tight doors equipped with appropriate hardware.

Character and Competence Component Questions

Q16. Must each member of a Limited Liability Corporation (LLC) or shareholder of a business corporation submit personal references? Is a not-for-profit applicant required to submit three (3) letters of personal reference for the members of the Board of Directors and Officers?

A16. Yes. Three Letters of Reference are required for each individual, board member, and shareholder of all corporations and Not-For-Profit organizations. Please refer to 18 NYCRR Section 485.6(d)(8).