

# Client Alert

June 18, 2024

**The New York State Department of Health (DOH)  
has posted the Single Statewide Fiscal Intermediary  
Request for Proposal**

In furtherance of the law passed at the end of the budget season, the New York State Department of Health (DOH) has posted a **Request for Proposals** (RFP) for a Statewide Fiscal Intermediary (FI) to provide services under the Consumer Directed Personal Assistance Program (CDPAP).

<https://www.health.ny.gov/funding/rfp/20524/20524.pdf>

While we unpack the details, here are some important points for review:

**Bidder Minimum Qualifications**

Entities eligible to submit a bid under this RFP in accordance with SSL § 365-f shall include:

- An entity capable of performing statewide fiscal intermediary services with demonstrated cultural and language competencies specific to the population of consumers and those of the available workforce with experience serving individuals with disabilities, and who is as of April 1st, 2024 providing services as a fiscal intermediary on a statewide basis in at least one other state.

**Statewide Fiscal Intermediary**

- The Statewide FI will subcontract with at least one entity per NYS DOH MLTC rate setting region (NYC area, Mid-Hudson/Northern Metro, Northeast/Western and the Rest of State), that has a proven record of delivering services to individuals with disabilities and the senior population and has been providing fiscal intermediary services since January 1, 2012, or earlier.
- The Statewide FI will be reimbursed for both Administrative Costs and Direct Care Service Costs.
  - Administrative Costs -Payment for Administrative Costs will be based on the Contractor's Proposed Per Member Per Month (PMPM) price included in its proposal:
    - Cost Proposal -the Proposed PMPM will be an all inclusive price to complete all FI Statewide Administrative functions through the resulting contract. The Contractor will not be reimbursed separately by NYS or any other entity for any Administrative Services outside of its Proposed PMPM bid under this RFP;
    - FI Administrative Costs will be reimbursed monthly in accordance with the policies in effect on the date the services are rendered.
  - Direct Care Service Costs - The awarded Statewide FI will also be qualified to enter into contracts with the managed care organizations (MCOs) or Local

Departments of Social Services (LDSS) to support reimbursement for direct care service delivery by the CDPA. The Direct Care Service Costs will be reimbursed separately from the Administrative Costs outlined above, according to the contracts with the managed care organization or the Fee For Service (FFS) Fee Schedule for FFS Members.

Statewide bidders will be required to complete and sign a Cost Proposal Affidavit.

The awarded Statewide FI must accept and acknowledge its role as that of a joint employer, with the CDPAP consumer of the personal assistant (PA).

### **Subcontractors**

- Subcontractors - The Statewide FI bidder is not required to identify all subcontracting arrangements in the response; the DOH will work with the awarded Statewide FI to review and approve subcontractor arrangements upon contract.
- Subcontractor duties seem to be limited to providing services and supporting functions that assist or enable the Awarded Statewide FI to perform FI services. Subcontractors **will not be permitted** to directly perform any of the following:
  - Enter into a contract for the provision of FI services with the DOH;
  - Set wages and establish benefits for PAs;
  - Maintain workers compensation, disability, or unemployment insurance policies for PAs;
  - Appear at workers compensation, disability or unemployment hearings;
  - Maintain personnel records for each PA and maintain records of Consumers' service authorization or plan of care (subcontractors may maintain copies or duplicate records);
  - Enter into DOH approved memoranda of understanding with Consumers; or
  - Enter into contract with managed care organizations.

We are continuing the full review of the RFP and will keep you updated.  
If you have any questions, please call our office.

The table below outlines the timeframe for the RFP process:

<b>RFP #20524 – Statewide Fiscal Intermediary Services</b>	
<b><u>Event</u></b>	<b><u>Date</u></b>
Issuance of Request for Proposals	<b>June 17, 2024</b>
Deadline for Submission of Written Questions	Questions Due <b>By July 2, 2024 by 4:00 p.m. ET</b>
Responses to Written Questions Posted by DOH	On or About <b>July 19, 2024</b>
Deadline for Submission of Proposals	Proposals Due on or Before <b>August 2, 2024 by 4:00 p.m. ET</b>
Anticipated Contract Start Date for Awarded Statewide Fiscal Intermediary	<b>October 1, 2024</b>

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REPRESENTING HOME HEALTH CARE AGENCIES  
IN NEW YORK STATE

68 South Service Road ♦ Suite 100 ♦  
Melville, NY 11747

P: 516.304.5858 ♦ F: 516.304.5855  
[www.glaserweiner.com](http://www.glaserweiner.com)

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Glaser & Weiner, P.C. | 68 South Service Road Suite 100 | Melville, NY 11747 US

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