



DOH Issues CDPAP Request for Offers **Application Deadline is February 18, 2020**

On December 18, the New York State Department of Health ([DOH](#)) issued its Request for Offers (RFO) from potentially qualified entities to enter into contract with DOH to provide Fiscal Intermediary (FI) services under the Consumer Directed Personal Assistance Program (CDPAP) for persons enrolled in fee-for-service Medicaid and the Medicaid managed care program. Current FIs who wish to be considered for a contract must submit their responses to the RFO no later than **February 18, 2020**.

The full text of the RFO can be found [here](#). Current FIs should assess their operations with a focus on Sections 6, 7 and Attachment A of the full RFO.

We highlight the following points in the RFO that current FIs will want to consider in submitting their offer:

- **Joint Employers:** DOH requires that offerors and successful FI contractors accept and acknowledge that, as FI, they are a joint employer, with the CDPAP consumer, of the personal assistant (PA). Offering FIs will be required to sign an acknowledgement to that effect, provided in Attachment B to the RFO. The DOH is explicitly heightening certain obligations of FIs as joint employers with the consumer moving forward. For example, each approved FI attests that it will audit consumers' PA billing records, and resolve any anomalies.
- **Lead FIs and Collaborating Partner FIs:** Successful FI contractors will be considered "Lead FIs," who will have full responsibility for all FI obligations described in the RFO, including, without limitation, joint employer obligations. Lead FIs may deliver all services or they can collaborate and partner with other organizations who may perform certain permitted services. Lead FIs would enter into a subcontract with these organizations for this purpose. Information on subcontractors will be required in a Lead FI's submission to DOH. An organization will be permitted to subcontract with multiple Lead FIs. Subcontracting FIs will not be permitted to bill Medicaid, managed care plans, consumers or PAs. Lead FIs would be required to agree to indemnify and hold harmless their collaborating partners with respect to labor and employment related claims.
- **5 Year Term:** The contract term for approved FIs is expected to be for a period of five (5) years, commencing on the date the contract is approved by the Office of the State Comptroller, subject to New York State standard termination clauses. The selected offerors must be able to provide these services throughout the five-year contract term.
- **IT Standards:** Applications and technology used by the FI must comply with New York State IT requirements described in Section 4.8 of the RFO.
- **Heightened Reporting Obligations:** The approved FI will be subject to cost reports and reports on quality measures described in Sections 4.6 and 4.7 of the RFO.

- Payments to FIs: Payments to approved FIs are subject to change. The RFO is clear that Medicaid providers, including FIs, are not entitled to any particular rate. We are aware that DOH intends to have proposed rules published in the *New York State Register* that, if adopted, will implement a tiered per member per month payment for FI administrative expenses which would apply to FIs with contracts with DSS/HRA. DOH's proposed rules can be viewed [here](#).

Current FIs that fail to submit a response to the RFO by February 18, 2020 or that are not selected under this RFO to provide FI services will be required to cease operations in accordance with transition policies and procedures to be released by DOH. Those transition procedures will include requiring DOH to provide at least 45 calendar days written notice to the FI that it must cease operations and to the affected consumers; consumer representatives; personal assistants; local departments of social services (LDSS); and managed care organizations (MCOs).

Relevant dates pertaining to offer submissions are currently set by DOH as follows:

- Issuance of Request for Offers- **December 18, 2019**
- Deadline for Submission of Written Questions- **January 3, 2020**
- Responses to Written Questions Posted by DOH- on or about **January 17, 2020**
- Deadline for Submission of Offers by All FIs Operating on or before April 1, 2019- **February 18, 2020**
- Anticipated Contract Start Date- **July 1, 2020**

Entities chosen to contract with DOH may also enter into administrative service agreements/contracts with MCOs to serve CDPAP members enrolled in managed care plans.

Please [contact](#) our office with questions regarding the RFO. We will be gathering questions for written submission to DOH on or before January 3, 2020.

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