



LHCSA RFO- Start Preparing Early

As we previously [reported](#), the New York State Department of Health ([DOH](#)) announced that it will issue a Request for Offer for LHCSAs on July 1, 2020 (LHCSA RFO). Under new Section 3605-c of the Public Health Law, LHCSAs will have some period of time (as yet undetermined, but not less than 30 days), to respond. LHCSAs that are not awarded a contract under the LHCSA RFO will not be able to provide services reimbursed by state-funded programs.

The criteria for selection of LHCSA contractors will include, but not be limited to:

- Licensure under PHL Article 36;
- The ability to appropriately serve medical assistance recipients as determined by the commissioner;
- A geographic distribution of LHCSAs to ensure access statewide, including in rural and underserved areas;
- Demonstrated cultural and language competencies specific to the population of recipients and those of the available workforce;
- Ability to provide timely assistance to recipients;
- Experience serving individuals with disabilities;
- Efficient and economic administration of LHCSA services; and
- Demonstrated compliance with all applicable federal and state laws and regulations including, but not limited to, past compliance with labor law and existing wage and labor standards, and compliance with equal employment opportunity requirements and anti-discrimination laws.

Self-audit your operations, records, policies and procedures in order to prepare your business to respond to the LHCSA RFO. Survey your patient population and staff to assess whether you have experience serving patients with specific health, cultural or linguistic needs.

It is not too early to take inventory of, and redress any gaps concerning, the following areas of your operations to demonstrate your qualifications to procure a contract:

- The methods and processes by which you process time records, wages, benefits and tax withholdings;
- Wage parity compliance, accrual and administration of benefits;
- Hiring, on-boarding, training and health assessment practices;
- Your monitoring of aides and their ongoing performance;
- Maintenance of payer contracts and relationships and your processing of claims;
- Patient monitoring, your administration of plans of care and how you assure the quality of services rendered;
- The methods by which you assure compliance with New York State regulations for LHCSAs and Medicaid mandates - staff, policies and internal audit processes;
- Maintenance of proper insurance coverage as well as your compliance with workers' compensation, disability and unemployment insurance requirements;
- Maintenance of corporate records and organizational information - be able to demonstrate how the agency is owned and managed;
- Adoption and implementation of data security safeguards, privacy practices and HIPAA compliance;

- Management of conflicts of interest;
- Fiscal monitoring and oversight - this includes preparation and maintenance of financials, record-keeping, your OMIG Compliance Program and certifications, monitoring for fraud and abuse and internal audits;
- Your emergency preparedness; and
- Policies and procedures concerning the foregoing.

We will advise our clients of information concerning the LHCSA RFO as we receive it. Many who responded to the FI RFO are still recovering from the enormity of the undertaking. Start preparing early to streamline the response process and minimize disruption to your business.

Feel free to [contact](#) our office with any questions you have concerning the LHCSA RFO.

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