

# Expanding Safe and Supportive Medical and/or Procedural Abortion Access Phase Two

## Program and Budget Guidelines

### Background:

On May 10, 2022, Governor Hochul announced an investment of \$25M to directly support NYS abortion providers in anticipation of the U.S. Supreme Court overturning Roe v. Wade. Governor Hochul has directed funding to expand abortion provider capacity and ensure continued access for patients seeking abortion care in NYS. Funding will be awarded in two phases.

In phase one, the New York State Department of Health (Department) is releasing \$10M via the HealthCare Reform Act (HCRA) (PHL 2807-I (1)(c)(iii)(C)) appropriation to organizations that are currently funded under Comprehensive Family Planning Program (CFPP) RFA #18606, Grants Gateway application ID DOH01-CFPP2-2021 **and** have provided medical and/or procedural abortions in the past 12-month period. Funding for phase two is being released through this Solicitation of Interest.

### Eligibility:

Funding is available for the budget period of January 1, 2023-December 31, 2023. Below are the minimum eligibility requirements:

- The organization must attest to their willingness to enter into a binding Master Grant Contract with NYSDOH in writing without change or amendment. A copy of the Standard Terms and Conditions is available here: <https://grantsmanagement.ny.gov/state-agency-resources>

### **AND**

- The organization did not receive funding from the **Expanding Safe and Supportive Medical and/or Surgical Abortion Access in New York State Phase One** opportunity.

### **AND**

- The applicant is a facility that is regulated under Article 28 of New York State Public Health Law, or the applicant is a health care practitioner licensed, certified, or authorized under title eight of New York State Education law who is acting within their lawful scope of practice, and will attest in writing to using the funding to expand access to medical and/or procedural abortions in New York State.

### Conditions of Funding:

1. **Response Received by August 12, 2022, at 4:00PM:** Eligible organizations must respond to the Solicitation of Interest by August 12, 2022, at 4:00PM, to be considered for this funding opportunity.
2. **Separation of Funding:** If applicable, awarded organizations must be able to track funding, costs, and expenditures, including time and effort by staff, separate and distinct from funding received under Comprehensive Family Planning Program (CFPP), RFA #18606, Grants Gateway application ID DOH01-CFPP2-2021. Funding cannot be co-mingled or double billed for services reimbursed under the CFPP.
3. **Work Scope:** Contracts require the development of a work plan and performance measures. The work plan will focus on the increased provision of abortion services. The measures will include establishment of a baseline number of abortion services performed in a prior twelve-month calendar year (i.e., baseline) which is required in response to the funding opportunity. The performance measures will focus on increasing access to abortion services. The work scope and performance measures will use the standard format in Grants Gateway.

4. **Budget:** The total dollar available to an organization must be calculated by the organization prior to replying to this Solicitation of Interest. Funding amounts will be awarded using the following criteria:

Each organization is eligible for a \$300,000 base award.

**AND, if applicable, either of the following two:**

- a. An additional \$50,000 in funding will be awarded for each distinct clinic which must be at a different address than primary site, located in New York State, and operated for the purpose of expanding access to abortion services.

**OR**

- b. Additional funds will be awarded based on the number of abortions provided during the calendar year 2021, or, if more current data are available, from 7/1/21-6/30/22. Organizations must report this information as part of the application and attest to its accuracy. The additional funding available by volume group is provided in the table below based on self-reported volume of abortion services provided during the previous 12-month period (July 2021-June 2022).

Number of Abortions Performed	Additional Funding to add to Base
0	no additional funds
1-25	\$5,000
25-99	\$10,000
25-199	\$20,000
200-499	\$40,000
500-999	\$60,000
1000-3999	\$150,000
4000+	\$250,000

Applicants will either:

- calculate the number of additional clinics and multiple by \$50,000 and sum the total,  
OR
- determine the funding available based on the volume of patients seen in the past 12 months.

To determine the maximum amount of funding the applicant is eligible to apply for, the applicant will add this additional funding amount to the to the base \$300,000 award .

Example:

2 Sites, 250 Abortions Performed

A. \$300,000 + \$50,000 for 1 additional site = \$350,000

B. \$300,000 + \$40,000 based on a patient volume of 250 = \$340,000

**Eligible expenses\*:** This funding opportunity is being made available to increase access to abortion services and not to supplant current staff. The following expenses are deemed eligible but not required as part of the budget, depending on the organization's need.

- Costs to recruit, hire, and maintain **new** clinical/medical staff who can provide abortions under their licensure or who can support the provision of abortion services under the supervision of a clinical staff person.
  - Posting recruitment to recruiting sites with fees, costs for head hunting firms, costs to recruit

- Salary and fringe
- Costs to increase the number of hours, days, and/or alternate times (e.g., extended hours and weekends) for currently employed clinical staff to provide increased access to abortion services.
  - Overtime to add shifts
  - Shift differentials for extended/alternative hours during the week or weekends
- Cost associated with medical and/or procedural abortion training for new or existing clinical staff.
- Unreimbursed costs of medical and/or procedural abortion services, including medication and primary care preventive services, such as STI testing or contraception counseling and provision of contraception, that are provided at the time of the abortion visit, provided no other funding source, such as Medicaid or commercial insurance under purview of NYS Insurance law, is available (i.e., payer of last resort).
  - Note: Medicaid rate will be used as the rate of reimbursement. If any insurance has reimbursed a dollar amount that is the same or more than the Medicaid rate, the service will be considered fully reimbursed and not eligible for reimbursement under this funding opportunity.
- Costs of purchasing, leasing, or maintaining medical/procedural equipment, such as internal ultrasound, examination table, or other needs such as telehealth infrastructure to expand access.
- Costs for overhead for the facility or operations as result of expanding access, which may include pro-rated costs for new space or existing space that will support expanded access, medical waste costs, laboratory costs, or other associated costs.
- Costs to support care management and navigation that are new or enhanced services to help individuals navigate the process of care and gain access to abortion services, which has the potential to increase the facility's ability to provide those services. Funds cannot be used to supplant existing support for staff.
- Increased costs associated with additional reporting requirements (e.g., NYS vital statistics) and/or billing/claiming activities from expanded access to services.
- Outreach and marketing costs to ensure people are aware that abortion services are available from the organization.

**Ineligible Expenses\*:** This funding cannot be used to supplant existing resources. The funding is intended to increase capacity and provide greater number of abortion services. Additional ineligible expenses include:

- Security related expenses
- Any travel expenses for patients
- Executive or administrative salaries
- Abortion services provided to an individual who is not physically located in New York State at the time of the abortion service.

**Program-Specific Requirements:**

In order to be approved, all ESSMPA2 budgets **must** clearly include the following:

- Description of staff positions supported by ESSMPA2 funding. These positions can be outlined in either Personal Services or Non-Personal Services (when fulfilled through a contractual relationship) as appropriate. Include FTE percentage and description of the position in the appropriate narrative section. Funds cannot be used to supplant existing resources. Funding should support the increase of capacity to provide abortion services.
- Outreach/Advertising/Marketing Expenses, when supported with grant funding, must include a general description of the expense, and a brief description of how efforts will be assessed (i.e., tracking patient calls, volume, website clicks) during specified time period and how the efforts will increase access to abortion services.

- If applicable, organizations must be able to track funding, costs, and expenditures, including time and effort by staff, separate and distinct from funding received under Comprehensive Family Planning Program (CFPP), RFA #18606, Grants Gateway application ID DOH01-CFPP2-2021. Funding cannot be co-mingled or double billed for services reimbursed under the CFPP.

### **Other Important Considerations**

- All costs must directly relate to the provision of services outlined in this funding opportunity, be consistent with the scope of services, reasonable, and cost effective.
- Contracted organizations must have on file documentation to support allocation of shared costs to the contract in accordance with applicable regulations and approved budget.
- For each section of the budget in which a budget item is proposed, all required fields must be completed. Failure to complete required fields will result in a global error message which must be resolved prior to submission.
- Equipment purchases for major items that will depreciate in a very short period of time (e.g., one to three years) will only be considered when supported by a strong justification. The Department of Health (DOH) recognizes that organizations may classify items as equipment within their own accounting system that do not fall under the definition of equipment and may be included in the equipment budget category.
- Budget justifications should identify the proposed goods/services that are programmatically necessary and describe how this expense supports the Work Plan objectives of the project. The justification should provide sufficient detail to demonstrate that specific uses and amounts of funding have been carefully considered, are reasonable and are consistent with the approaches described in the Work Plan.
- Budget lines that are not well justified may delay the budget approval process.
- Indirect costs for organizations without a federally approved indirect cost rate, will be limited to no more than 10% of total direct costs.
- A “match” contribution is **NOT** required for this grant award. Please do not enter information in the match sections of the budget.
- For fields titled “Other Funds” always leave blank. Additional costs incurred by the program, referred to as “in-kind contributions” should be detailed under the narrative sections for the respective budget category. (i.e., In-kind staff should not be listed in the Salary Detail; please identify any in-kind staff and the grant deliverable their work supports in the Personal Services – Salary Narrative)
- **Travel:** All Travel, other than travel for individuals / organizations funded under the contractual service line, subcontractor travel, should be budgeted in this section. Out-of-State travel requires prior approval. Please refer to the GSA guidelines for maximum reimbursable per diem rates.
- **Other Expenses Detail – Fringe Benefits and Indirect Costs:** If using a Federally Approved Rate Agreement, provide a copy of the current federal rate agreement.
- **Advance Eligibility:** Upon execution of an award, not-for-profit organizations are eligible to receive up to 25% of the award as an advance payment.