

**New York State Department of Health
Request for Offers (RFO) #20039
New York State Fiscal Intermediaries (FI) for the Consumer Directed Personal Assistance Program (CDPAP)
Lead Fiscal Intermediary Contracting Attestation Form and Supporting Information**

Questions and Answers Posted 10/19/2022

Question #	Category	Question	Answer
1.	Attestation Due Date	In the Attestation Form and Supporting Information Calendar of Events and on the RFO #20039 webpage (https://www.health.ny.gov/funding/rfo/20039/) the due date for the Attestation Form and Supporting Information is November 29, 2022. However, on the Department's main Grants/Funding Opportunities webpage (https://www.health.ny.gov/funding/) the due date is listed as January 15, 2023. Which is correct?	The Attestation Form and Supporting Information are due November 29, 2022. The due date on the Grants/Funding Opportunities webpage was incorrect and has been updated to reflect the due date of November 29, 2022.
2.	Awarded Lead FIs	Do FIs that were previously awarded a Lead FI Award contract through RFO #20039 need to submit the Attestation Form and Supporting Information?	The 68 Lead FIs that were awarded a contract on February 11, 2021 do not have to submit the Attestation Form and Supporting Information, nor are there any other requirements to submit at this time.
3.	Awarded Lead FIs	One of our clients is already an FI approved under the RFO. We would like to confirm that they do not have to reapply for the new year and ask if there are any other requirements for them to submit at this time?	See answer to Question #2.
4.	Awarded Lead FIs	Do clients who are already officially recognized as an FI, and approved under the RFO, have to reapply as an FI and if so, what is the process? Also, the agencies that were not chosen as an FI, what is the process for those agencies?	See answer to Question #2. For agencies that submitted an offer as a Lead FI under RFO #20039, did not receive an award on February 11, 2021, but had met the minimum requirements of the RFO with their offer, they can now follow the Attestation and Supporting Information process, found here , to be considered for an award.
5.	Awarded Lead FIs	Please confirm that only non- awarded RFO applicants need to submit the attestation and supporting documentation. In other words, does an FI who was selected in the initial RFO process have to complete this attestation and supporting documentation?	See answer to Question #2.

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6.	Awarded Lead FIs	Confirm that current FIs that were included in the 68 already awarded contracts are not required to submit the Attestation.	See answer to Question #2.
7.	Awarded Lead FIs	Confirm that all current FIs that submitted an offer under the RFO can submit the Attestation if they meet the eligibility requirements.	See answer to Question #2.
8.	Awarded Lead FIs	Confirm that a Lead FI that submitted an offer under the RFO, and subsequently went through a change of ownership effected by a sale of equity, can submit the Attestation.	See answer to Question #2.
9.	Awarded Lead FIs	Do the original award winners have to meet the requirements of having 200 cases in NYC during 01/01/2020 through 03/31/2020 and applying as a Lead?	No. See answer to Question #2.
10.	Eligibility of Lead FI	Our organization is a MWBE Certified Business-we were not awarded as a Lead FI in the prior RFO but I am wondering if our MWBE status would enable us to submit a new application for this current FI RFO?	<p>The Department is not accepting new applications under RFO #20039.</p> <p>For agencies that submitted an offer as a Lead FI under RFO #20039, did not receive an award on February 11, 2021, but had met the minimum requirements of the RFO with their offer, they can now follow the Attestation and Supporting Information process, found here, to be considered for an award.</p>
11.	Eligibility of Lead FI	If an FI would have received an award pursuant to the survey process announced by DOH in 2021, but will now not meet the 200/50 thresholds, will the DOH honor its prior agreement to provide those FIs with awards? Note that DOH is “authorized to either reoffer contracts or utilize the previous offer, to ensure that all provisions of this section are met.” NY Soc. Serv. § 365-f(4-a)(b)(i)(C)(vi), as amended April 9, 2022.	The current legislation, authorized in the State Fiscal Year 2022-2023 Enacted Budget, repealed the 2021 survey process.

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12.	Eligibility of Lead FI	If an FI is in “disqualified” status, it did not receive the attestation forms. However, now that these awards are not tied to scoring for the RFO in any way, can an FI in disqualified status that has remedied any asserted paperwork deficiencies from its submission, submit an attestation if they meet the size requirements?	No. Per Social Services Law Section 365-f, only a Lead FI that met the minimum requirements under RFO #20039 can submit the Attestation Form and Supporting Information. A Lead FI deemed “disqualified” means that Lead FI did not meet the minimum requirements under RFO #20039.
13.	File Submission	The submission instructions require that we submit two separate emails with one email containing Excel and PDF files and the other containing the file passwords. In the event that the email containing the Excel and PDF files has reached its attachment capacity with only one attachment (Gmail only allows 25 MB for the attachments), are we allowed to send a separate email per attachment? That would mean we would be sending 3 emails – (i) the PDF file; (ii) the Excel file, and (iii) the password for both the Excel file and the PDF file.	Yes, three emails are acceptable if the files are too large to include in two emails. In the first email, please include in the text that it is 1 of 3 (or more) emails expected.
14.	File Submission	Our agency has protocols related to the transmission via email of information that identifies individuals (consumers) receiving services. We are required to send said information through encrypted emails, when said information is requested for official purposes such as evidence of services delivered. Would our use of encrypted emails to transmit the FI Attestation Supporting Documentation present any problems to NYS DOH?	The use of encrypted emails should not be an issue provided the Lead FI ensures the Department can open the encrypted emails. Prior to the submission due date, please send an encrypted test email, containing no information from the actual Attestation Form or Supporting Information submission, to OHIPcontracts@health.ny.gov to ensure Department staff can open the encrypted email.
15.	File Submission	Please clarify if the supporting information needs to be submitted in Excel AND PDF format, or only Excel?	The Supporting Information files must be submitted in BOTH Excel and PDF formats.
16.	Attestation Form Completion – Number of Consumers	Should the attestation form be filled out and submitted if services were not provided?	No. Lead FIs that do not meet the criteria of serving, during January to March 2020, 200 CDPAP consumers in NYC and/or 50 CDPAP consumers in all other counties of the state do not need to submit the attestation as they would not meet the requirements for an award.

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17.	Supporting Information – Date of Service	My organization did not initially submit the RFO for a lead FI but does qualify under the new ruling as my organization serves over 200 consumers from the period 1/1/2020 through 3/31/20. Please advise how I can apply or further credential my FI as a Lead FI or how can I continue to service my consumers going forward.	Entities that did not submit an offer as a Lead FI under RFO 20039 cannot submit an attestation to contract with the Department as an FI. Non-contracted entities may work with contracted Lead FIs to subcontract as a collaborating partner as defined in RFO 20039.
18.	Supporting Information – Date of Service	What is the expectation for FIs that had just begun to do business in 2020, have been compliant and didn't have in 2020 the 200 patient requirement, but today have 300 or more patients?	Social Services Law Section 365-f requires the Lead FI to have been serving at least 200 CDPAP consumers in NYC or 50 CDPAP consumers in the rest of the state during the period January 1, 2020 through March 31, 2020 to meet the criteria for the Attestation.
19.	Supporting Information – Date of Service	If an agency filed as a Lead FI and at the moment didn't have the 200 patient cut-off, but now has 300 or more patients can this agency be reconsidered to continue to do business?	See answer to Question #18.
20.	Supporting Information – Date of Service	"Date of service" we have consumer example form 2019 Feb and continue till now. Can a vendor enter for those client Jan 30, 2020 or Feb 1, 2020?	See answer to Question #18.
21.	Supporting Information – Date of Services	"Served by" is defined by a claim or encounter being submitted for payment of CDPA services for at least one day during the applicable period." Does a claim need to be for a certain number of hours?	Claims do not need to be for any particular number of hours, however must be for CDPAP services provided by a personal assistant. The claim cannot be for <u>only</u> administrative costs incurred by the Lead FI.
22.	Supporting Information – Date of Service	Why are we using the census from Q1 2020, instead of Q4, 2019?	This requirement was set forth in Social Services Law Section 365-f.

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23.	Supporting Information – Date of Service	The instructions provide that “Served by” is defined by a claim or encounter being submitted for payment of CDPAP for at least one day during the applicable period. What does this mean? A consumer on the roster of the FI? A consumer that is provided with a visit by a caregiver? A billing claim submission to the MLTC? Any of the above? Please elaborate.	For a Lead FI to have served a consumer, a claim to the Medicaid fee-for-service program or to a Medicaid managed care organization (MCO) for CDPAP services must have been submitted by the Lead FI. The claims must relate to dates of services within the applicable period (January 1, 2020 through March 31, 2020). The date of service for each consumer may vary within the applicable period, e.g., one consumer may only have received services on weekdays while another only received services on weekends. In filling out the Supporting Information, the Lead FI should choose a date during the applicable period on which services were provided for each consumer that can be evidenced by a FFS or MCO claim/encounter.
24.	Supporting Information – Date of Service	If two consumers of an FI are served for one day each during Q1 2020, although the day of service is a different day during Q1 2020, does that count as two consumers? Or does the 200 or 50 count have to represent a single day within Q1 2020?	Yes, that would be considered two consumers. The 50 or 200 does not have to be on a single day, as the dates of services may vary. See answer to Question #19.
25.	Supporting Information – Date of Service	Please elaborate on the definition of an “encounter.” From the FI’s perspective, the encounter with a consumer may occur when the consumer completes an agreement with the FI for services. As such, certain “encounters” may have occurred during Q1 2020, but the billable services did not begin until after. Does this count?	For the purposes of the Attestation Form and Supporting Information, the term “encounter” is used to describe the claiming process for Medicaid managed care. Only billable CDPAP services during the required period would be applicable.
26.	Supporting Information – MMCO/LDSS Name	Number 4 Name of MMCO or LDCC. Does this mean the vendor has to enter only MLTC name (example: VNSNY).or need authorization number?	Only the name of the MMCO or LDSS need to be entered, not the authorization number.

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27.	Supporting Information – MMCO/LDSS	We are unclear on exactly the information that should be provided for "Name of Authorizing MMCO/LDSS on Date of CDPA Services" in the Excel with the required supporting information. Our CDPAP services are authorized by certain MLTC insurance companies that we bill for the CDPAP services (for example: Senior Whole Health, Centersplan, Village Care, Empire, etc.). Are those the entities that we should be inputting into that column?	<p>The Lead FI should include the MMCO or LDSS name that authorized the services for each individual included in the Supporting Information on the date the services were provided.</p> <p>Your examples of plan names could be correct.</p>
28.	Supporting Information – Number of Consumers	In the original final budget, the statement was made that: The applicant was providing FI services for at least 200 consumers in a city with a population of more than 1 million at any time between 1/1/2020 and 3/31/2020. The attestation form separates Long Island (as rest of NY) from NYC but their population is well over 7 million, Nassau and Suffolk counties each having approximately 1.5 million each. Would a culmination of over 200 consumers in both NYC and Long Island be considered as eligible for the purposes of the contract?	<p>The Social Services Law Section 365-f includes a <u>city</u> with a population of more than 1 million, not a county.</p> <p>Nassau and Suffolk counties have populations of more than 1 million, however, no city within those counties has 1 million people.</p> <p>A combination of consumers from NYC and Long Island would not meet the criteria.</p>
29.	Supporting Information – Number of Consumers	If a vendor has 207 enrolled in the city, will that also be considered for other areas or will the vendor have to have additional numbers for Nassau and Suffolk counties?	<p>Social Services Law Section 365-f requires that a Lead FI meet the criteria of having served 200 CDPAP consumers in NYC and/or 50 CDPAP consumers in the rest of the state to be eligible for a contract award.</p> <p>If the Lead FI meets the criteria in one area, and an award is made, the Lead FI will be expected to serve all the counties as submitted in Attachment D of their original offer under RFO #20039.</p>
30.	Supporting Information – Number of Consumers	Can a FI that in 2020 had fewer than 200 CDPAP consumers in NYC, but more than 50 CDPAP consumers on Long Island receive an award to cover both NYC and LI or just LI? Additionally, would the fact the FI currently has more than 200 CDPAP consumers in NYC have any bearing on this?	<p>See answer to Question #29.</p> <p>The current CDPAP consumer census has no bearing on the Attestation Form and Supporting Information process.</p>

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31.	Supporting Information – Number of Consumers	Is the criteria of 50 or 200 CDPAP consumers served satisfied if the FI submitted 200/50 claims for payment of services during the applicable period?	If the claims submitted were for 50 or 200 different CDPAP consumers, this would satisfy the criterion. Submission of 50 or 200 claims for the same consumers, e.g., 2 claims each for only 25 consumers, would not satisfy the criterion. Each consumer CIN will only be counted once toward the required 50 or 200 CDPAP consumers.
32.	Supporting Information – Number of Consumers	Can a consumer who received services during the applicable period be listed more than one time on the spreadsheet?	See answer to Question #31.
33.	Supporting Information – Number of Consumers	Is the criteria of 50 or 200 CDPAP consumers served satisfied if the FI submitted 200/50 claims for payment of services during the applicable period?	See answer to Question #31.
34.	Supporting Information – Number of Consumers	Confirm that if an FI served less than 50/200 consumers but submitted over 50/200 claims for payment of services during the applicable period they are eligible for a Lead FI contract award.	This is NOT confirmed. See answer to Question #31.
35.	Supporting Information – Number of Consumers	Does 50 consumers served in other counties of New York State mean that consumers served in various counties outside of NYC may be combined to meet the 50 threshold?	Yes.
36.	Supporting Information – Number of Consumers	Confirm that it is only a recommendation that FIs list all consumers served from 1/1/2020-3/31/2020.	It is only a recommendation that the Lead FI include all consumers served between January 1, 2020 and March 31, 2020, however, to be eligible for an award the Lead FI must meet the requirement of submitting supporting information for at least 200 CDPAP consumers in NYC and/or 50 CDPAP consumers in the rest of the state.
37.	Supporting Information – Number of Consumers	May the consumers served in NYC counties be combined with consumers served in other counties to achieve the 200 benchmark?	No.

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38.	Supporting Information – Number of Consumers	If a legal entity formed before the RFO that consisted of multiple underlying FI owners, and that legal entity submitted as the FI for the RFO, could that entity now attest based on the consumers served by those underlying FIs?	No. Only those CDPAP consumers served by the Lead FI during the period January 1, 2020 through March 31, 2020 may be counted toward meeting the threshold number of 50 or 200.
39.	Supporting Information – Number of Consumers	If a Collaborating Partner is also owned by the Lead, can the census be counted as the Lead for only the served patients of the affiliated Collaborators?	No. As outlined in the Attestation Form and Supporting Information, the Lead FI attests that “CDPAP consumers included in this attestation and supporting information were served by the above-named Lead FI during the period January 1, 2020 through March 31, 2020. No consumers are included that were served by collaborative partners only.”
40.	Supporting Information - CIN	Can we please get a clarification for Column D, in Attestation Supporting Information Spreadsheet, on abbreviation “CIN “?	CIN is the abbreviation for Client Identification Number, or the CDPAP consumer’s Medicaid ID number. All Medicaid enrollees have a unique CIN.
41.	Supporting Information – Claims/Encounters	Confirm that the attesting FI can include in the attestation count claims currently under OMIG audit.	A Lead FI may include claims/encounters submitted to the State and currently under OMIG audit review.
42.	Supporting Information – Claims/Encounters	Can OMIG confirm claims submitted to MLTCs?	Yes, OMIG can confirm claims/encounters submitted to MCOs. It is important to understand that encounters which have not yet been submitted cannot be counted.
43.	Lead FI Mergers and Acquisitions	Confirm that if the owners of a Lead FI that submitted an offer under the RFO sell their stock/membership interests/equity to a new owner, that Lead FI can submit the Attestation and get a contract because the entity remains the same and has the same FEIN.	Per Social Services Law 365-f <i>the Commissioner is instructed to accept the offer to enter into contracts with all applicants that were not initially selected but that were qualified by the Commissioner as meeting minimum requirements of the RFO.</i> The entities that applied under RFO 20039 (applicant) that were not initially selected but met minimum requirements may submit the Attestation Form and Supporting Information.

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Question #	Category	Question	Answer
44.	Lead FI Mergers and Acquisitions	Confirm that a Lead FI will not be deemed to have “merged” with another entity if its FEIN is the same at the time of attestation as it was at the time it submitted its response to RFO 20039.	See answer to Question #43.
45.	Submission Review	When will the Department and OMIG review the data submitted pursuant to the attestation forms (i.e., before or after awards)?	The Attestation Form and Supporting Information submitted by Lead FIs will be reviewed and used to verify the information provided prior to awards being made.
46.	Submission Review	Please describe the process by which OMIG will review the data on consumers listed in the spreadsheet – confirm that it will consist of OMIG’s confirmation that encounter data/claims were in fact submitted on the dates reported.	OMIG will review submitted data for each CDPAP consumer and verify that claims pertaining to the reimbursement for CDPAP services were made for each consumer on the actual date of CDPAP services. Claims and encounters failing the validation process will be noted, and OMIG will report its results back to the Department of Health.
47.	Awards and Contracting	Confirm that there is no threshold score that the potential Lead FI is required to have obtained on its response to RFO 20039 in order to be approved for a lead contract if it qualifies after review of this attestation.	It is confirmed that there is no minimum score on the original offer submitted under RFO #20039 needed to be eligible for an award if the Lead FI meets the requirements of the Attestation Form and Supporting Information.
48.	Awards and Contracting	Does completing and submitting the Attestation guarantee a contract awarded by the DOH?	Assuming no changes to the existing state law, if the information submitted in the Lead FI’s Attestation Form and Supporting Information is verified by the Department of Health and OMIG, and the Lead FI meets the criteria of having served at least 200 CDPAP consumers in NYC and/or 50 CDPAP consumers in the rest of the state, the Lead FI will receive a contract award.
49.	Awards and Contracting	Who will guarantee adequate payments from the MLTCP for additional costs of being a Lead?	This question is not related to the completion and submission of the Attestation Form and Supporting Information and will not be answered.

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50.	Awards and Contracting	Does the DOH plan to submit its contracts to the OSC at the time it notifies the FIs of awards or non-awards in or about January 15, 2023? If not, how long thereafter does the DOH expect the actual contract submission to OSC to take?	Once awards are made, the Department will work with the awarded Lead FIs to develop contract documents which will be reviewed and executed by the Office of the State Comptroller.
51.	Awards and Contracting	Will DOH put out guidance regarding winning FIs' use of collaborators or subcontractors? Has that policy changed at all since the original RFO?	The ability for a Lead FI to use the services of collaborating partners and/or subcontractors has not changed.
52.	Number of Consumers	Why is the amount of consumers required for an award so high? All small businesses will be negatively affected because of this RFO. It's discrimination against small business administrations.	The number of consumers required to be eligible for a contract award was set forth in Social Services Law Section 365-f.
53.	Current FI Operations	Will non-awarded FIs be permitted by DOH to continue operating during any subsequent OSC protest?	Per MLTC policy 21.01, currently operating FIs may continue to operate until the Department posts the Contract Notification Date, defined as the date on which the Department first publishes on the RFO 20039 webpage a list of Lead FIs that have contracts executed by OSC.
54.	Current FI Operations	Will non-awarded FIs be permitted by DOH to continue operating during any subsequent Article 78 proceeding, following the OSC protest?	See answer to Question #53.
55.	Collaborating Partners	Would DOH provides rules/guidance as far as business relationship between Lead FI and subcontractors? It would be unfair to leave the smaller agencies unprotected while allowing the larger ones to take over and possibly leave them with nothing.	See answer to Question #49.
56.	Collaborating Partners	What was the purpose of the Collaborators' census in the original application?	See answer to Question #49.

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57.	Number of Consumers	Why did the RFO only listen to the bigger home care agencies who spoke up about not getting awarded? What about the small businesses who won't be awarded for a lack of consumers, is our voice not powerful enough to gain the attention and change the RFO requisites too?	The number of consumers required to be eligible for a contract award was set forth in Social Services Law Section 365-f.
58.	Number of Consumers	Does the RFO not care about minorities that make up the Home Care agencies?	See answer to Question #57.
59.	Number of Consumers	Why is the amount of consumers being asked for set on 200? What is this number based on? Is it to create an unfair criterion that only benefits the bigger home care agencies?	See answer to Question #57.
60.	Number of Consumers	What is the discrimination against small businesses? Why is the amount of consumers that is required for an award set on a number that benefits only bigger companies? If we're being honest, NYC thrives on small businesses and it is unfair to take away the businesses of hard working people who have followed everything up to code solely because of a lack of consumers at a time when the CDPAP program was still a new concept. It is clear that only the bigger home care companies will be awarded. What about the small businesses that have been made by the minorities of NYC? Why punish businesses who have done everything correctly simply because they did not meet a quota that was asked for years later? NYC has been known for helping minorities make their American dream come true of succeeding, and the RFO is taking away that dream.	See answer to Question #57.
61.	Number of Consumers	Why is the amount of consumers that is required for an award set on a number that benefits only bigger companies? What about small businesses who have followed everything up to code?	See answer to Question #57.

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62.	Number of Consumers	What was the criteria that was used to determine the 200 patient cutoff? And the said date for cut-off.	See answer to Question #57.
63.	Number of Consumers	<p>I provide services to the underserved African American communities that do not have faith in nor trust huge FI's. Upon filling out this information will you only choose FI's that have tons of consumer directed individuals? If so, this would leave a huge gap in trust for those individuals that need CDPAP services in the BLACK community.</p> <p>Currently, the black community lacks hope, knowledge and trust huge FI's and we have found a way to build a relationship within our community to help women children and our elders. We are growing and trust is being built in our community. If contracts are not given to smaller FI's how will trust between underserved communities and government agencies forcing them to join or work with bigger FI's (not of their personal choice) help them with the proper decision making for whom they want to service them?</p>	See answer to Question #57.
64.	Post-Award	Would we get a chance to re-apply in the future?	While the Department of Health is still expecting to contract with Lead FIs for a period of five years, future contracting opportunities have not been decided at this time.
65.	Post-Award	How will the state reinstitute the investments of the owners/investors who are being put out of business by the state?	See answer to Question #49.
66.	Post-Award	How would the state reinstitute the employees that will lose their jobs in the midst of unprecedented inflation and an impending recession?	See answer to Question #49.
67.	Post-Award	Does the fact that an agency successfully followed everything up to code not matter to the RFO? Why does the amount of consumers that a home care has, matter so much?	See answer to Question #49.

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68.	Post-Award	What analysis is the DOH conducting to ensure network adequacy remains following the award process?	See answer to Question #49.
69.	Post-Award	What analysis is the DOH conducting to ensure that winning FIs are financially sound?	See answer to Question #49.
70.	Post-Award	What analysis is the DOH conducting to ensure that winning FIs have a history of compliance with Wage Parity and other legal obligations?	See answer to Question #49.
71.	Post-Award	What analysis is the DOH conducting to ensure that neither the winning FIs, nor their owners, have any prior or current history of criminal indictments or convictions?	See answer to Question #49.
72.	Post-Award	What analysis is the DOH conducting to ensure adequate coverage of diverse populations of Medicaid beneficiaries remains following the award process?	See answer to Question #49.
73.	Post-Award	What analysis is the DOH conducting to consider specific sub-populations such as public housing residents, or neighborhoods with transportation challenges, and ensuring that the FIs will adequately cover these populations?	See answer to Question #49.
74.	Post-Award	How will New York State and/or the New York State Department of Health compensate Fiscal intermediaries who do not meet the Q1 2020 patient census criteria for continued operations for what many of us consider a forced closure of our businesses?	See answer to Question #49.
75.	Post-Award	Has New York State and/or the New York Department of Health considered the socioeconomic impact that the CDPAP RFO will have on Fiscal intermediary employees, on both an individual basis as well as on an industry-wide level?	See answer to Question #49.
76.	Post-Award	If New York State and/or New York State Department of Health do not plan to compensate fiscal intermediaries for the disruption of business who have been operating since their inception and have remained in compliance with state and federal guidelines to date - then what is the reasoning for it?	See answer to Question #49.