



2021-2022 EQUAL PROGRAM FAQs

The Department of Health (“Department”) provides the following answers to various questions received related to the 2021-22 EQUAL program. Each question is followed by an answer. As a reminder, questions are continuously accepted at equal@health.ny.gov.

Question #1: The application for the EQUAL funds due 11/19/2021 asks if the applicant has submitted the receipts for the 2021 funds. Some expenditure plans were only recently approved, and the awardee has one year from the date of receipt of the funds to spend the funds. Can you provide direction?

Answer: While it is expected that facilities submit Certifications to the Department upon disbursement of all EQUAL funds with a PDF copy of all applicable receipts no later than twelve months (i.e., one year) from date of award, for purposes of the application this Certification does not apply to open funding periods, i.e. EQUAL 2020-21. Accordingly, facilities whose expenditure plans for prior years’ funding was only recently approved need not be dissuaded from applying for 2021-22 EQUAL funding.

Question #2: How should we answer the certification question if we have not yet submitted?

Answer: Adult Care Facilities (ACFs) should complete the Certification Statement for Use of EQUAL 2019-2020 funds based on the status of 2019-2020 funding. ACFs that submitted the fiscal year end documentation required by the 2019-2020 EQUAL Application Instructions should select “Yes” while ACFs that either did not submit the required fiscal year end documentation or did not receive 2019-2020 EQUAL Funding, should select “No.”

Responding “No” to the Certification Statement for Use of EQUAL 2019-2020 FUNDS will not necessarily disqualify an ACF from receiving current or future EQUAL funding.

ACFs must complete the Certification Statement for use of EQUAL 2021-2022 Funds to certify that any funding received in response to this application, will be used for the purposes identified in the spending plan, which will be submitted within 30 calendar days of the award letter, and the facility’s understanding that any negative EQUAL audit findings may result in a requirement of repayment to the Department and/or completion of correction of cited deficiencies within the timeframe specified by the Department.

Please Note: 2021-2022 awards will not be issued until the Department has approved the facility’s proposed spending plan.

Question #3: It appears the EQUAL 101 presentation differs slightly from the directions for completion as they relate to which Quarterly Statistical Information Report data to utilize. Can you clarify?

Answer: The EQUAL 101 presentation refers to the funding methodology used to determine award values. When responding to Section D of the application, ACFs should carefully review the instructions.

Question #4: We have received 2020-2021 funds but we have not yet spent the entire amount. Some funds planned for monthly activities will be spent during future months, and there is a detailed accounting for funds spent up to this date, but it is not reflective of the full award.

Answer: Please see responses to Questions 1&2 above.

Question #5: How can I correct a typo in my facility's reported EQUAL funds?

Answer: Please see responses to Questions 1&2 above.

Please Note: Whenever an ACF opens the EQUAL application in the Health Commerce System, it must be saved and submitted. Otherwise, the completed application will not be received by the Department and the ACF will not be eligible for funding.

Question #6: Would a late submission of the Quarterly Statistical Information Report (QSIR) be a reason to deny EQUAL funds?

Answer: The Department may deny EQUAL funds to any operator that has received official written notice from the Department of a proposed revocation, suspension, limitation or denial of the operator's operating certificate; or proposed assessment of civil penalties; issuance of a Department order, the seeking of equitable relief or the issuance of a Commissioner's Order. On its own, failure to submit a QSIR by the prescribed deadline would not impact the facility's eligibility for EQUAL funds.

Question #7: If an applicant does not complete the application in its entirety, is this a reason for denial of EQUAL funds?

Answer: Yes. Please refer to page 4 of the 2021-2022 EQUAL Application Instructions and ensure compliance with all application components described.

Please Note: Whenever an ACF opens the application in the Health Commerce System, it must be saved and submitted. Otherwise, the completed application will not be received by the Department and the ACF will not be eligible for funding.

Question #8: Is a missed daily COVID-19 HERDS survey cause for denial of EQUAL funds?

Answer: No, not necessarily. The Department will review all applications to determine eligibility. Therefore, all ACFs serving residents receiving Social Security Income (SSI), State Supplemental Program (SSP), Safety Net (SN) and/or Medicaid (with respect to those residents in Assisted Living Programs) are encouraged to apply.

Question #9: Can you confirm reporting deadlines?

Answer: Sections A-E must all be submitted electronically through the Health Commerce System by 11/19/2021. If awarded, the facility will receive an award notification letter requesting submission of the proposed spending plan, which will be due 12/14/2021. Please refer to the 2021-2022 EQUAL Application Instructions. A copy of the EQUAL 101 presentation is attached for reference.

Question #10: A Department surveyor once stated that the EQUAL award is based on the number of SSI residents but that the funds can be used for all residents to better their quality of life (e.g., purchase of Walmart gift cards). Is this accurate?

Answer: EQUAL is an award made to the operator for only those qualifying residents, i.e., those residents receiving SSI, SSP, SN and/or Medicaid (with respect to those residents in Assisted Living Programs [ALPs]). Although there are some instances when other residents will benefit from an approved EQUAL expenditure, the direct benefit is to those residents that qualify. Please review DAL 21-18 and the EQUAL 2021-2022 Instructions. A copy of the EQUAL 101 presentation is attached for reference.

Question #11: A provider has monthly “painting classes” scheduled for the entire year and maintains the receipts and tracks expenses via Excel. Is the current expectation that the provider will maintain tracking via the Department-approved form?

Answer: Please refer to the “Other Funding Requirements” section of the 2021-2022 EQUAL Instructions which outlines documentation expectations.

Question #12: With respect to Section D: Population Served, is the total population the facility’s census or SSI, SSP, SN and/or Medicaid residents?

Answer: The total population served is a total of the SSI, SSP, SN and/or Medicaid (ALP Residents Only) residents. Those residents that are receiving a combination of any of the services, may only be counted once.