



Consumer Directed Personal Assistance Program

Fiscal Intermediary Workgroup

Meeting #1

May 15, 2019

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Fiscal Intermediary Workgroup

- Welcome and Introduction of Fiscal Intermediary (FI) Workgroup Members
- Purpose of the FI Workgroup
- Schedule of FI Workgroup Meetings
- Review of Statutory FI Contracting Requirements
- Review of Statutory and Regulatory FI Service Requirements
- Today's Workgroup Discussion
- Next Meeting

Fiscal Intermediary Workgroup Overview and Introductions

- The Fiscal Intermediary (FI) Workgroup for the Consumer Directed Personal Assistance Program was established by this year's Enacted Budget (Chapter 57 of the Laws of 2019 – Part G)
- The Department of Health (DOH) is charged with convening and chairing the FI Workgroup
- Individual Members of the Workgroup include representatives of:
 - Consumers
 - Consumer Advocacy Groups
 - Independent Living Centers
 - Statewide Associations of Fiscal Intermediaries
 - Local Social Services Districts
 - Managed Care Plans
- DOH is pleased to welcome the members of the FI Workgroup and appreciates your participation and collaboration

Fiscal Intermediary Workgroup Members and Introductions

CDPAP Fiscal Intermediary Workgroup Members	
Donna Frescatore, Chair of Workgroup , Department of Health	
Alex Elegudin Wheeling Forward	Brian Cummings Fidelis Plan
Andrew Koski Home Care Association of NYS	Dr. Brian Steele Excellus Plan
Andy Cruikshank Fort Hudson Health System	Bruce Darling Alternate for Today: Denise Figueroa Center for Disability Rights
Anthony Caputo Concepts of Independence	Bryan O'Malley CDPAANYS
Arnold Ng (Alternate for Today: Randa Henry-Jenkins) NYC Human Resources Administration	Carlos Martinez Rockland Independent Living
Beatrice Clappin Greene County LDSS	Carmen Hlosta Chautauqua County LDSS
Belkys Garcia Legal Aid Society	Christina Wong Healthfirst

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Fiscal Intermediary Workgroup Members and Introductions

CDPAP Fiscal Intermediary Workgroup Members	
Darius Kirsten Leading Age New York	Hilda Escher All American Homecare
Denise DiNoto Consumer	James Curcio ArchCare Community Life
Doris Behan Consumer	Joann Van Norstrand Dutchess County LDSS
Douglas Hovey Independent Home Care/Independent Living	Kate Rolf (Alternate for Today: Andrea Lazarek-LaQuay) Nascentia
Douglas Usiak Western NY Independent Living	Kathy Febraio NYS Assn. of Healthcare Providers, Inc.
Elizabeth Martin Consumer Directed Choices, Inc	Kathy Preston (Alternate for Today: Jane Preston) NYS Health Plan Assn.



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Fiscal Intermediary Workgroup Members and Introductions

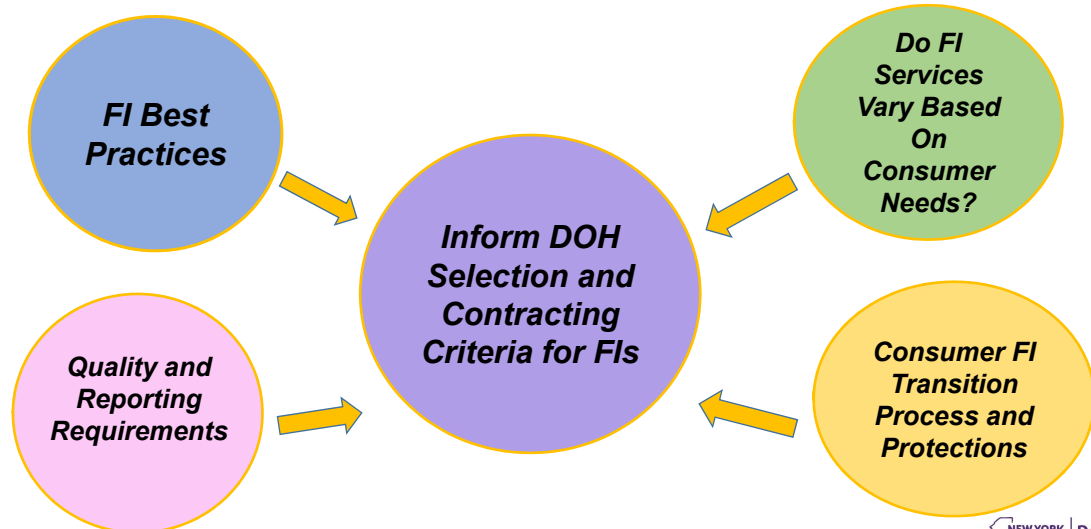
CDPAP Fiscal Intermediary Workgroup Members	
Kendra Scalia Consumer	Michael Rosenblut (Alternate for Today: Joyce Little) AgeWell
Lindsay Heckler Center for Elder Law and Justice	Paul Joslyn AccessCNY
Lindsay Miller New York Assn. on Independent Living	Ray Donovan Maxim Healthcare Services
Lori Ferguson Visiting Nurse Service of New York	Susan Z. Constantino (Alternate for Today: Barbara Crosier) Cerebral Palsy Associations of New York State
Lynn Balducci Integra MLTC Plan	Valerie Bogart (Unable to attend Today's meeting) New York Legal Assistance Group
Marianne Grady Empire HealthPlus Plan	Zvia McCormick Resource Center for Independent Living
Melvyn Tanzman (Unable to attend Today's meeting) Westchester Disabled on the Move, Inc.	



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Purpose of the Fiscal Intermediary Workgroup



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Schedule of Fiscal Intermediary Workgroup Meetings

Meeting	Purpose	Date
Meeting #1 (Today)	<ul style="list-style-type: none"> Variation in FI Services FI Best Practices 	May 15, 2019 11:00 a.m. – 2 p.m.
Meeting #2	<ul style="list-style-type: none"> Best Practices Standardizing of FI Services, Clarifying Roles and Responsibilities Quality Indicators Consumer FI Transition Process and Protections 	June 18, 2019 11:00 a.m. – 2 p.m. Meeting Room 2+3 Empire State Plaza
Meeting #3	Quality and Reporting Requirements	July 10, 2019 11:00 a.m. – 2 p.m. Empire State Plaza Room TBD
Meeting #4	Workgroup recommendations for FI selection and contracting criteria	August 7, 2019 11:00 a.m. – 2 p.m. Empire State Plaza Room TBD

Fiscal Intermediary Contracting Requirements (Chapter 57 of the Laws of 2019)

- Beginning January 1, 2020, the statute requires FIs to contract with DOH
- FIs are to be selected through a procurement process
- Eligible applicants for contracts include Independent Living Centers and FIs established prior to January 1, 2012 that have been continuously providing FI services, and other entities that meet the procurement's selection criteria
- The criteria for selecting FIs is to be informed by the FI Workgroup and an entity's ability to provide FIs services including, but not limited to:
 - ✓ The ability to appropriately serve individuals participating in the program;
 - ✓ A geographic distribution that ensures access in rural and underserved areas;

Fiscal Intermediary Contracting Requirements (Chapter 57 of the Laws of 2019)

- The criteria for selecting FIs (continued):
 - ✓ Demonstrated cultural and language competencies specific to the population of consumers and those of the available workforce;
 - ✓ Ability to provide timely consumer assistance;
 - ✓ Experience serving individuals with disabilities;
 - ✓ The availability of consumer peer support; and
 - ✓ Demonstrated compliance with all applicable federal and state laws and regulations, including wage and labor.

Fiscal Intermediary Contract Requirements (Chapter 57 of the Laws of 2019)

- FIs that provided services on or before April 1, 2019 must submit an offer within 60 days of the date the procurement is posted to the DOH website (around the time the Workgroup concludes its scheduled FI Workgroup meetings)
 - FIs that do not apply within 60 days cannot continue to provide FI services
- The statute also includes transition and other requirements for FIs that may cease operation (will be discussed in more detail at Workgroup meeting #2)

Fiscal Intermediary Service Requirements

FI Service requirements are defined in Statute (Section 365-f Social Services Law) and Regulation (18 NYCRR Section 505.28(i))

- 1) Process wages and benefits for each CDPAP assistant, including establishing the amount of wages; processing all income tax and other required wage withholdings; and complying with worker's compensation, disability and unemployment insurance requirements;
- 2) Ensure the health status of each CDPAP assistant is assessed (per 10 NYCRR § 766.11(c) and (d)) prior to providing service delivery or any successor regulation;
- 3) Maintain personnel records for each CDPAP assistant, including time records and other documentation needed for wages and benefit processing and a copy of the medical documentation required by 2) above;
- 4) Maintain records of service authorizations and reauthorizations;

Fiscal Intermediary Service Requirements

- 5) Monitor the consumer's (or if applicable, the consumer's designated representative's) continuing ability to fulfill the consumer's responsibilities under CDPAP and promptly notify the authorizing entity of any circumstance that may affect the consumer's (or if applicable, the consumer's designated representative's) ability to fulfill those responsibilities;
- 6) Comply with DOH regulations (18 NYCRR § 504.3) that specify the responsibilities of providers enrolled in Medicaid;
- 7) Enter into a contract with the social services district [or managed care plan] for the provision of fiscal intermediary services;
- 8) Enter into a DOH approved memorandum of understanding with the consumer that describes the parties' responsibilities under CDPAP; and
- 9) **Added by 2019-20 Enacted Budget:** Other related responsibilities which may include, as determined by DOH, assisting consumers to perform the consumers' responsibilities and DOH regulations in a manner that does not infringe upon the consumer's responsibilities and self-direction

Today's FI Workgroup Discussion

Identify whether FI services may differ for consumers, and under what circumstances

Identify best practices pertaining to the delivery of FI services under CDPAS

- Should the selection criteria for FI services address the following?
 - Where the consumer lives (rural, suburban, city)
 - Needs of the consumer (cultural and linguistic)
 - The method of delivery of the service and to whom?
Telephonic, email, person-to-person? The consumer? The Personal Assistant?
 - Other?
- Best practices of FI?
 - Reflect consumer directed nature of the program
 - Other?

Next Steps

- ***Closing Discussion***
- ***Next Meeting***

Topic: Consumer FI Transition Process and Protections

Date: Wednesday, June 12, 2019, 11 a.m. – 2 p.m.

Location: TBD