

Application for a Certificate of Authority for DISCOs/Start-up Grant Application

The information contained in this document is to provide updated/clarifying information regarding the Application for a Certificate of Authority for a Developmental Disabilities Individual Support and Care Coordination Organization (DISCO) and accompanying Attachment 10 Request for Grant Applications - Managed Care Start-Up Costs for DISCOs as posted to the OPWDD website on August 21, 2014. Specifically, this document addresses questions received during the comment period (August 21 – August 30, 2014) as well as those received during the September 12, 2014 WebEx presentation in one of the following ways:

- I. Outlines **COA Application Modifications**
- II. Addresses **Questions concerning the COA Application (other than Attachment 10)**
- III. Addresses **Questions concerning the COA Application Attachment 10**

I. Amendments to COA Application

The following text in the COA Application has been updated/modified. Strikethrough indicates deleted text; underlined text is new.

Page 4 of the COA Application, 2nd paragraph

~~“A DISCO applicant must be controlled by one or more non-profit organizations with a history of providing or coordinating health and long term care services to persons with developmental disabilities. The expectation~~ One of several ways to meet this criteria includes ~~is that~~ the leadership of the DISCO (board members and officers) will have extensive experience coordinating care for individuals with Intellectual/Developmental Disabilities (I/DD).”

Section IX. “Utilization Management and Review Systems of the DISCO”

~~“These functions may be carried out by the DISCO or subcontracted to another entity. Note that if utilization review is delegated, the contractor performing the utilization review must be reviewed by OPWDD and subsequently must be registered with SDOH as a utilization review agent in accordance with §4901 of the Public Health Law. A DISCO does not register with SDOH as a utilization review agent, however, the DISCO is required to provide information specified in §4901(2) of the Public Health Law. Note that if service authorization (utilization review) is delegated, the contractor must be registered with SDOH as a utilization review agent (PHL§4901). The “Utilization Review Agent Registration Application” is located at:~~

www.health.state.ny.us/health_care/managed_care/plans/index.htm

Section XI. “Utilization Control and Review Systems”

~~“XI. UTILIZATION CONTROL AND REVIEW SYSTEMS~~ THIS SECTION LEFT BLANK INTENTIONALLY

Section VII of Attachment 10 “Available Grant Amounts” (page 62)

~~“An applicant will~~ may be capped at \$1.5 million in grant funding, ~~and the State will not issue awards in excess of this amount~~ however the State reserves the right to award additional amounts as

determined by both need and availability of funds. Grant budget forms should be completed for actual justifiable needs eligible under the grant criteria. OPWDD reserves the right to award grants in excess of \$1.5 million if an application warrants additional cost consideration."

Attachment DOH 793A

This attachment is now included in the application and its completion and submission are now mandatory. See <http://www.opwdd.ny.gov/node/5687>

Section V of Attachment 10 "Grant Awardees' Selection" - Subsection "Management of the DISCO"

- "Identification of any delegated authority, and, if authority is delegated to contractors, identifies the contractors.
 - If functions such as claims payment, quality assurance, or utilization review are delegated to contractors, the contract itself must be reviewed by the state for regulatory compliance. At the time of the Grant Application submission, if the contracts are not negotiated or executed, please detail the type of functions being delegated/contracted and any decisions made to date as to what the contract will look like, including potential contractor(s), proposed payment terms and status of contract negotiations."

Attachments 2A – 2F of Attachment 10 "Request for Grant Funds"

This attachment is being replaced in whole with requested Excel spreadsheets renamed Attachment 10 Start Up Grant Budget Forms at the following link: <http://www.opwdd.ny.gov/node/5713>. These new attachments contain changes, which are different from the posted originals.

II. Questions and Answers from Original Web Posting and the 9/12/2014 WebEx

1. A.) Where can we find information on what qualifies an applicant to be approved as a DISCO?
B.) Is there a list of "approved" applicants?

Response:

A.) Public Health Law Section 4403-g (b) states: "Eligible applicant" means an entity controlled by one or more non-profit organizations which have a history of providing or coordinating health and long term care services to persons with developmental disabilities."

B.) NO, entities will receive a letter detailing their status; an approved list of applicants will not be made public.

2. Can you please clarify if a provider meets all the DISCO requirements (i.e., not-for-profit, DD controlled, does the provider still have to form a separate DISCO entity?

Response:

Yes, the DISCO must be a separate corporation.

3. Is the October 1, 2015 date for DISCO pre-enrollment activities or is this the date the DISCO will actually receive a premium from the State and start managing care for its enrollees?

Response:

October 1, 2015 is the date enrollment transactions will be effective, plans will receive a payment for enrollees, and DISCOs will begin providing care.

4. What is the planned “roll-out” for DISCO implementation? Will all counties begin on 10/1/15?

Response:

Roll-out will depend on CMS approval of the program as well as the number of COA applications approved by that date. It is anticipated that the focus in the early months will be on implementing in NYC and the metro areas. Certain upstate counties may also be in early phases of enrollment.

5. When will DISCO enrollment become mandatory? Is there a proposed timeline for mandatory enrollment?

Response: There is no proposed timeline regarding mandatory enrollment.

6. What specific points are you looking for in the definition of the service area and targeted enrollees?

Response:

If this question refers to Section III of the COA, OPWDD is looking for the counties the DISCO is proposing to serve and a rationale for choosing those counties, as well as any specially targeted sub-populations the DISCO feels is poised to serve through specialized benefits. OPWDD needs to see the enrollment projections and the basis for those projections.

7. Are there limits to enrollment by county or region? Can we submit provider networks by county as requirements are met, or must we wait until all networks are complete prior to submitting the application?

Response:

The limits would be by county and would be limited by the number of OPWDD-served Medicaid recipients living in that county. If the DISCO is going to serve multiple counties, the application must include all the information necessary for each of the counties that the DISCO wishes to serve. If the DISCO is planning to begin in a smaller service area and expand to other counties at a later date: the DISCO must submit the information for the counties that they are beginning with. Subsequent to COA approval, the DISCO may submit an expansion request to expand to additional counties.

8. What will be OPWDD’s role in the formation of the DISCOs?

Response:

OPWDD will have no role in “forming” the DISCOs, however OPWDD will play an integral part in the review and approval of COA applications.

9. Will the enrollment broker be in place on day 1 of enrollment?

Response:

It is anticipated that a contract with the enrollment broker will be in place prior to DISCO start-up. This will enable OPWDD to begin outreach activities to the target population for the upcoming program. It is expected that the contract will be with Maximus Inc. to promote enrollment broker continuity between managed care programs within the Medicaid program.

10. If the sponsoring entities have individuals that they currently serve and want to voluntarily enroll in the sponsoring entity's DISCO, how will that be accommodated through Maximus?

Response:

The individual (or authorized representative) will need to contact Maximus to be provided with information on the DISCO managed care program. Maximus can enroll the individual into a DISCO in person or over the phone (or via hard copy enrollment form). If the individual is currently in an MTLC or mainstream managed care plan and wants to enroll in a DISCO, the individual will be requesting a transfer to the DISCO.

11. Will the State be participating in a risk corridor?

Response:

Yes, the State is currently in discussions with CMS on this issue. There will be a corridor around revenue/plan capitation a plan receives so there will be a safety net should the plan have a loss of revenue/surplus over or under a certain %.

12. Can a DISCO incrementally add characteristics (to comply with data dictionary) or must all features be in place on day one?

Response:

As stated on page 22 of the COA Application, "It is expected that all successful DISCO applicants will come into compliance with final health information technology (HIT) requirements within 24 months of becoming operational or have a plan for doing so."

13. A.) What are the rules for when a DISCO must contract with providers at certain rates and the length of time these rates must be paid?

B.) If a individual sees a provider for the first time and is not subject to the continuity of care rates (or the time limit is over), please clarify that the plan may negotiate rates for these payments.

Response:

A.) Public Health Law Section 4403-g states, "With respect to a person receiving non-residential services operated, certified, funded, authorized or approved by the office for people with developmental disabilities prior to enrollment in the DISCO, such guidelines shall require the DISCO to contract with the current provider of non-residential services at the rates established by the office for ninety days, in order to ensure continuity of care. With respect to a person living in a residential facility operated or certified by the office for people with developmental disabilities prior to enrollment in the DISCO, such guidelines shall require the DISCO to contract with the provider of residential services for that residence at the rates established by the office for so long as such individual lives in that residence pursuant to an approved plan of care."

B.) All OPWDD residential services must be contracted at a rate no lower than the Medicaid rate.

14. How robust is the databook on the per member/per month utilization and costs by eligible service category?

Response:

This is under development with our Medicaid actuary. OPWDD anticipates it being released in late November 2014. There will be a webinar at that time to ensure clarity and understanding of included content.

15. How many DISCOs does OPWDD anticipate approving for contract?

Response:

OPWDD will contract for services with any applicant that successfully completes the COA application process and is awarded a COA.

16. How do DISCOs relate to the Medicaid Service Coordination (MSC) program?

Response:

When a person enrolls in a DISCO, the care coordination becomes the responsibility of the DISCO and MSC will no longer be a specific benefit for the individual. The plan, however, is expected to work with all current providers, including the current MSC to develop a care plan that best meets the needs of the individual.

17. Will care management staff be required to have the qualifications of MLTC care management staff or rather that of the MSC service?

Response:

The Lead Care Coordinator must meet the following minimum requirements and no substitutions will be allowed:

- Bachelor's degree (in any field); and
- At least one year of experience supporting people with developmental disabilities.

It is the responsibility of the Care Coordination entity to have processes in place to ensure that lead Care Coordinators and Care Coordination Team Members exhibit or have appropriate training to meet specified requirements. In addition, Care Coordination entities must ensure that the Care Coordination Team has training in areas specific to the person and any regulatory requirements.

18. Can a DISCO sub-contract for Care Management?

Response:

Yes, please see page 16 of the COA Application.

19. Do you plan to implement the new "conflict free assessment" that the SDOH is now implementing for MLTCs on 10/1/15? Will the SDOH UAS be utilized?

Response:

The OPWDD Coordinated Assessment System (CAS), although different from the SDOH assessment systems, will be "conflict free." Please note: The initial assessment will not be conducted by the plan.

20. Can you provide an update as to when additional opportunities for the Fully Integrated Duals Advantage (FIDA) program will be available in upstate areas?

Response:

At this time, we are not aware of any additional opportunities for upstate expansion through the FIDA demonstration.

21. Will this webinar recording be available?

Response:

No.

III. Grant Application (Attachment 10) Questions

22. Please confirm that there is not a mandated letter of intent for the managed care start up grants.
Response:
There is no requirement for a letter of intent for the managed care start-up grant solicitation.
23. Can you please confirm that grant applications MAY be submitted prior to November 1, 2014?
Response:
If grant funds are being requested, the latest date an application can be submitted is November 1, 2014. Applications may be submitted anytime up to that date.
24. Can an organization apply for a grant prior to qualification as a DISCO?
Response:
An organization may apply for grant funding prior to DISCO qualification. Grants will not be awarded, however, unless the organization meets all qualification criteria.
25. May expenses incurred prior to 11/1/2014 be included in the grant funding?
Response:
No.
26. A.) Does an organization need to be fully organized (i.e., Articles of Incorporation filed and approved by the Department of State) in order to submit a grant application?
B.) May the provider entity that intends to sponsor the DISCO apply for the grant on behalf of the soon to be formed DISCO?
Response:
A.) Yes
B.) No
27. Does a DISCO applicant need to submit its grant application for OPWDD BIP start-up funds on the same date as its COA application or can the grant application precede the full COA application?
Response:
No, for a grant submission to be complete, only certain parts of the COA are required to be submitted. The balance of the COA application may arrive at a later date in order to apply for the COA.
28. Can an applicant qualify for multiple start-up cost categories (i.e., management staff as well as network development)? (p. 61)
Response:
Yes
29. If an organization does not materialize as a DISCO, will monies requested need to be refunded?
Response:
No, however, failure to complete the COA application and receive approval of the COA would negate approval for part 2 of the funds to be released. In addition, any tangible equipment that was purchased by the applicant with grant funds would become the property of the State.
30. What is the time frame for securing a Vendor Identification Number (VIN) (before or after grant submission)? (p. 68) Can you provide a link for further information?

Response:

The VIN number MUST be present for a contract to be awarded; it would be expedient to apply for this number prior to or shortly after grant application submission. Please see the link on page 68: <http://grantsreform.ny.gov/Grantees>

31. What does OPWDD anticipate the grant payment cycles will be? Section VIII, (H) refers to the submission of monthly invoices but section VII describes two payment periods, one tied to COA and the other tied to the issuance of the COA.

Response:

The grant monies will be awarded in 2 payments as stated in section VII. The monthly invoices will be used to reconcile grant award usage as well as determine possible eligibility for the second lump sum payment.

32. If the DISCO plans on establishing a Management Services Organization (MSO) with a third party for activities such as network development and management, care management, and claims processing, what costs can be included in the grant and in which category on the budget template?

Response:

Documented costs that the DISCO will incur should be included in the "Other" Category in Attachment (Form) 2F.

33. The OPWDD Certificate of Authority Application indicates that the organizational structure "[m]ust be in place, including Articles of Incorporation and Department of State Approval" prior to applying for the start-up funds. Please confirm this must be in place as stated.

Response:

Yes, in order to file with the Department of State, it will be necessary to obtain the consent of the Department of Health to the filing of the certificate of incorporation for the DISCO pursuant to Part 98-1.4 of the Department of Health regulations.