



**Office for  
the Aging**



**NY Connects**  
Your Link to Long Term  
Services and Supports

## **REQUEST FOR APPLICATIONS**

**Partnership to Expand and Enhance NY Connects:  
A Balancing Incentive Program Funding Opportunity for  
Independent Living Centers and/or Community-Based Organizations  
Date of Issuance: August 25, 2016**

**Andrew Cuomo  
Governor**

**Greg Olsen  
Acting Director**

**Partnership to Expand and Enhance NY Connects:  
A Balancing Incentive Program Funding Opportunity for Independent Living  
Centers and/or Community-Based Organizations**

**TABLE OF CONTENTS**

GLOSSARY OF TERMS

GLOSSARY OF ACRONYMS

PART I: OVERVIEW AND INFORMATION FOR APPLICANTS

	<u>Page</u>
1) Introduction and Background	7
2) Purpose of Funding	7-8
3) Issuing Office	8
4) Eligible Applicants	8
5) Conflict of Interest	8-9
6) Contract Period	9
7) Anticipated Annual Budget and Funding	9
8) Time Table	9
9) Questions Concerning the RFA	9-10
10) Letter of Intent	10
11) Submission of Application	10-12
12) Request for Information	12
13) Incurred Costs	12
14) Disclosure of Application Contents	12
15) Limits on Administrative Expenses and Executive Compensation	12-13
16) Participation of Minority and Women-Owned Business	13-15
17) Cancellation for Convenience	15
18) Required Agreements for Implementation, Data Security, and Data Sharing	15
19) Notification of Award	15
20) Debriefings and Protests	15-16
21) Application Effective Period	16
22) Application Modification	16
23) Reimbursement	16
24) Contractor Responsibilities	16-17
25) State Reserved Rights	17-18

PART II: COMPLETING THE APPLICATION

1) Application Format/Content	18
2) Mandatory Minimum Qualifications	18-19
3) Application Questions	19-21
4) Allocation Schedule	22

PART III: ATTACHMENTS

1)	Prescribed Program Workplan	23-28
2)	Designated Regions	29
3)	NY Connects State Program Standards	30-56

## GLOSSARY OF TERMS

Term	Definition
Health Commerce System (HCS)	A Secure, Standards-based, Integrated Infrastructure for Enterprise-wide Health Information Interchange. (Department of Health, 2016).
Advocacy	Pleading an individual's cause or speaking or writing in support of an individual.
AIRS Taxonomy	The AIRS/211 LA County Taxonomy is the North American standard for indexing and accessing human services resource databases and is used as the basis for the NY Connects Resource Directory. The taxonomy can be accessed at: <a href="http://www.211taxonomy.org">www.211taxonomy.org</a> .
Center for independent living ("center" also referred to as "Independent Living Center")	A consumer-controlled, community-based, cross-disability, nonresidential, private nonprofit agency for individuals with significant disabilities (regardless of age or income). (Administration for Community Living, 2016).
Community-Based Organization (CBO)	A public or private nonprofit organization that meets the minimum eligibility criteria for this RFA that— (A) is representative of a community or significant segments of a community; and (B) provides educational or related services to individuals in the community.
Conflict Free Case Management	Any agency providing care coordination cannot provide direct home and community based services (HCBS) if there is another willing and qualified provider in the area. Only when a care coordination agency is the only available provider of HCBS services in an area can they then provide these services, as long as there are firewalls and mitigation strategies in place.
No Wrong Door (NWD)	Development of a Statewide system to enable consumers to access all long-term services and supports through an agency, organization, coordinated network, or portal, in accordance with such standards as the State shall establish and that shall provide information regarding the availability of such services, how to apply for such services, referral services for services and supports otherwise available in the community, and determinations of financial and functional eligibility for such services and supports, or assistance with assessment processes for financial and functional eligibility (Centers for Medicare & Medicaid Services, 2016)
No Wrong Door Screen	The State-designated screening tool that preliminarily identifies the following: individual and/or caregiver needs; resources, and available supports (e.g., caregiver, informal supports); possible financial/programmatic eligibility for Medicaid and other public benefits; and type of services and resources that may best meet the needs of the individual

	and/or caregiver.
NY Connects	NY Connects is designed to help individuals and their family caregivers gain access to the right long term services and supports, at the right time, in the right setting. It has the capacity to serve people of all ages, disabilities, and income levels, including individuals interested in planning for or able to pay for their LTSS needs. It helps guide and link to eligibility processes individuals who may be appropriate for public LTSS programs and also increases access to lower cost community-based alternatives that can help avoid institutional care and preserve personal resources. In New York, NY Connects is the Aging and Disability Resource Center (ADRC) for all populations in need of LTSS, regardless of payor source.
Information and Assistance	Person-centered information and assistance (I&A) to help an individual make informed decisions and assist him/her in accessing available long term services and supports to meet existing or future long term services and supports needs.
NY Connects Resource Directory	Web directory of providers of long term services and supports in New York State; <a href="http://www.nyconnects.ny.gov">www.nyconnects.ny.gov</a>
NY Connects State Program Standards (NY Connects Standards)	All NY Connects programs are required to comply with the NY Connects State Program Standards in the administration and operation of their local programs.
Options Counseling/Person-Centered Counseling (also referred to as Person-Centered Assistance/Options Counseling in NYS)	Options Counseling/Person-Centered Counseling is a person-centered process whereby individuals, family members and/or significant others are supported to develop a plan for addressing long term services and supports needs that aligns with their preferences, strengths, values, and needs (Administration of Community Living, 2016).

## GLOSSARY OF ACRONYMS

Acronym	Term
AAA	Area Agencies on Aging
ACL	U.S. Administration for Community Living
ADL	Activities of Daily Living
BAA	Business Associate Agreement
BIP	Balancing Incentive Program
DOH	New York State Department of Health
DUA	Data Use Agreement
HIICAP	Health Insurance Information Counseling and Assistance Program
HIPAA	Health Insurance Portability and Accountability Act
IADL	Instrumental Activities of Daily Living
ID/DD	Intellectual Disability/Developmental Disability
I&A	Information and Assistance
IPA	New York State of Health In-Person Assistors
ITS	New York State Office of Information Technology Services
LEP	Limited English Proficiency
LTCC	Long Term Care Council
LTSS	Long Term Services and Supports
LDSS	Local Department of Social Services
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
NYSOFA	New York State Office for the Aging
OASAS	New York State Office for Alcoholism and Substance Abuse
OFA	Local or County Office for the Aging (another term for AAA)
OMH	New York State Office of Mental Health
OC/PCC	Options Counseling/Person-Centered Counseling
OPWDD	New York State Office for Persons with Developmental Disabilities
PASRR	Preadmission Screening and Resident Review
PHI	Protected Health Information
PII	Personal Identifying Information
PRI	Patient Review Instrument
UAS	Uniform Assessment System

## **PART I: OVERVIEW AND INFORMATION FOR APPLICANTS**

### **1. INTRODUCTION AND BACKGROUND:**

NY Connects is statutorily mandated through the New York State Elder Law §203(8) and complies with federal statute as prescribed by the 2016 Reauthorization of the Older Americans Act (OAA). NY Connects is federally recognized as New York's Aging and Disability Resource Center (ADRC). NY Connects is an essential component of the State's efforts to rebalance the long term services and supports (LTSS) system so that people can live independently and remain in their home and community.

The core functions of the NY Connects program include the provision of Information and Assistance (I&A) and Options Counseling/Person-Centered Counseling (OC/PCC) on LTSS for older adults and individuals of all ages with disabilities, as well as their caregivers; implementing an active Long Term Care Council (LTCC); and an ongoing public education campaign to promote the visibility of the program.

As a result of the federal Balancing Incentive Program (BIP), authorized under section 10202 of the Patient Protection and Affordable Care Act of 2010 (ACA), NY Connects has expanded its geographic reach and enhanced its functionality to broaden the populations it serves and add new partners to fully assume the required No Wrong Door (NWD) structural reform. Entities administering and operating NY Connects must adhere to a set of prescribed State Program Standards (hereinafter referred to as "NY Connects Standards"), which were revised in December 2014 to reflect program updates and incorporate requirements related to BIP.

### **2. PURPOSE OF FUNDING:**

Findings from the National Association for States United for Aging and Disabilities (NASUAD) and National Council on Independent Living's (NCIL) 2015 Survey of Aging and Disability I&R/A Agencies<sup>1</sup> indicate that these agencies are serving more individuals with disabilities under age 60 and more people of disabilities of all ages, more baby boomers and the oldest-old, and more people with complex and multiple needs. Based on these findings, NASUAD and NCIL recommend that aging and disability networks continue to strengthen relationships with and among the agencies that serve these consumers.

To align with the federal direction and increase access to LTSS for all populations in New York State, NYSOFA will select through this RFA process, and contract with, up to six (6) Independent Living Centers (ILCs) and/or not-for-profit Community Based Organizations (CBOs) to perform NY Connects functions in a specified region (Part III, 2). The selected contractors will establish formalized relationships with each of the Area Agencies on Aging (AAAs) and Local Departments of Social Services (LDSSs) in the region they are proposing to serve and will be required to act in accordance with the NY Connects Standards (Part III, 3) to enhance and expand the NY Connects program according to the prescribed program workplan (Part III, 1, Attachment C). Further, the selected contractors will work in collaboration with the NY Connects NWD partners, including the Office for Persons with Developmental Disability's (OPWDD) Developmental Disability Regional Offices (DDROs) and the Office of Mental Health's (OMH) Local Government Units (LGUs). Formal partnerships and/or subcontracts with other CBOs or local governmental entities may be

---

<sup>1</sup> National Association of States United for Aging and Disabilities and National Council on Independent Living (2016). The Changing Landscape of Aging and Disability Information and Referral/Assistance.

<http://www.nasuad.org/sites/nasuad/files/2015%20I%26RA%20Survey%20Report.pdf>

established, as deemed necessary and appropriate, to fulfill all functions of the NY Connects program and its role as the NWD.

As part of the application, the applicant must define and describe how they will provide the required NY Connects functions in each county in the region(s) they propose to serve. Contractors must have the ability to serve individuals in each county in-person at the NY Connects location and in the individual's home if necessary. Applicants must also describe how they will participate in the LTCC and NWD Implementation Teams for each county in the region(s) they propose to serve.

### 3. ISSUING OFFICE

This RFA is issued by NYSOFA, which shall be the sole contact for information regarding its content.

### 4. ELIGIBLE APPLICANTS

Applicants and subcontractors, if applicable, must have a thorough knowledge of providing I&A and OC/PCC on long term services and supports to individuals of all ages and abilities and meet all of the following criteria. Applicants that do not meet these criteria will be ineligible for funding.

1. The applicant is an ILC or other not-for-profit CBO.
2. The applicant is physically located in New York State and has a bricks and mortar presence in the region it proposes to serve.
3. The applicant has a minimum of five years of experience with the basic core components of I&A and OC/PCC as delineated in the NY Connects Standards, or demonstrated comparability to such.
4. The ILC or CBO is registered and pre-qualified with the NYS Grants Gateway portal.

### 5. CONFLICT OF INTEREST

During the term of the Contract, the successful applicant (referred to as Contractor for this section) shall not engage in any business or personal activities or practices or maintain any relationships that conflict in any way with the Contractor fully performing its obligations under the Contract.

Additionally, the Contractor acknowledges that, in governmental contracting, even the appearance of a conflict of interest is harmful to the interests of the State. Thus, the Contractor agrees to refrain from any practices, activities, or relationships that could appear to be in conflict with the Contractor's fully performing its obligations to NYSOFA under the terms of the Contract.

In the event the Contractor is uncertain whether the appearance of a conflict of interest may exist, the Contractor shall submit to NYSOFA a full disclosure statement setting forth the relevant details for NYSOFA's consideration and direction. Failure to promptly submit a disclosure statement or to follow NYSOFA's direction in regard to the apparent conflict shall be grounds for termination of the Contract.

At the time of commencement of the contract, the Contractor shall submit to NYSOFA documentation disclosing any connections or affiliations it has with providers of long term supports and services (LTSS) for which it may make referrals.

If the Contractor is part of a legal entity that does, or may, provide LTSS through another part of the organization, the Contractor must demonstrate that they have sufficient organizational mechanisms and policies in place to assure that the NY Connects can function with independence and autonomy as needed to provide consumers with conflict free assistance in the selection of providers. This includes consumers being fully informed of all potential providers that are available and willing to

provide the services and supports needed.

Current providers of LTSS, as well as any related corporation, foundation or any other legal entity under the control of LTSS provider agencies, may apply; however, such entities must have processes in place to mitigate any potential conflict of interest.

## 6. CONTRACT PERIOD

The initial contract period is a fifteen month contract that shall commence on **January 1, 2017** and end **March 31, 2018 with the possibility of a three year renewal, subject to the availability of funds and at the discretion of NYSOFA**. The applicant must clearly demonstrate how it will carry out the required program activities in a cost effective manner. NYSOFA reserves the right to negotiate the terms of the contract with each ILC or CBO submitting an approved application.

## 7. ANTICIPATED BUDGET AND FUNDING

The anticipated budget for the ILC and/or CBO partnership with NY Connects is \$ 8 million for the period of 1/1/17 – 3/31/18. All applications will be evaluated based on best value. Applicants are to complete the application budget pages within Grants Gateway, based on completing the scope of work as specified herein. The allocation schedule is included at the end of Section II.

Title 9 of the New York Codes, Rules and Regulations (NYCRR) Part 6656 implementing Executive Order No. 38 (EO 38) establishes a limit on administrative expenses and executive compensation of covered providers. In recognition of the need to maximize the availability of services, NYSOFA is requiring organizations with whom we contract to expend at least 85 percent of the funding on service costs. NYSOFA is using the definitions of administrative expenses and program expenses specified in 9 NYCRR §6656.3(a) and (i) for this purpose. Information regarding EO 38 can be accessed at the NYSOFA Web site referenced above.

## 8. TIME TABLE\*

August 25, 2016	Application Released
September 8, 2016	Last date to submit questions regarding RFA
September 16, 2016	Answers to questions issued/posted
September 20, 2016	Letter of Intent due
September 30, 2016	Application packages must be electronically submitted no later than 5:00 p.m. this date. Please see Part I, 11 (Submission of Application) for more details
October 21, 2016	Anticipated date to notify successful applicants
January 1, 2017	Contract commences
March 31, 2018	Contract ends

\* NYSOFA reserves the right to revise any of these dates, as necessary.

## 9. QUESTIONS CONCERNING THE RFA

Prospective applicants may submit written questions by e-mail to [nyconnects@aging.ny.gov](mailto:nyconnects@aging.ny.gov) or by fax to **(518) 473-3804** no later than **3:00 pm** on **September 8, 2016**. No telephone calls will be accepted. **Each question should cite the particular RFA part, page and number to which it refers.**

Questions received after the deadline will not be answered. A summary of the questions and answers will also be posted on NYSOFA's website at <http://www.aging.ny.gov/ContractsandGrants/index.cfm> and Grants Gateway. From the RFA issuance date until the selection, all contacts with NYSOFA concerning the contents of this RFA shall be made through [nyconnects@aging.ny.gov](mailto:nyconnects@aging.ny.gov).

## 10. LETTER OF INTENT

Prospective applicants are required to complete and submit a Letter of Intent. Letters of Intent should be submitted via Grants Gateway in the Pre-submission Uploads section of the online application. A copy should also be emailed to [nyconnects@aging.ny.gov](mailto:nyconnects@aging.ny.gov). Please ensure that the RFA number is noted in the subject line and they are submitted by the date posted on the cover of the RFA. The Letter of Intent will enable applicants to receive direct notification when updates/modifications are posted; including responses to written questions.

## 11. SUBMISSION OF APPLICATION

**A. Applications must be submitted online via the Grants Gateway by the date and time posted on the cover of this RFA.** Reference materials and videos are available for Grantees applying to funding opportunities on the Grants Gateway. Please visit the Grants Reform website at the following web address: <http://grantsreform.ny.gov/Grantees> and select the "Grantee Quick Start Guide Applications" from the menu on the left. There is also a more detailed "Grantee User Guide" available on this page as well. Training webinars are also provided by the Grants Reform Team. Dates and times for webinar instruction can be located at the following web address: <http://grantsreform.ny.gov/training-calendar>.

To apply for this opportunity:

1. Log into the Grants Gateway as either a "Grantee" or a "Grantee Contract Signatory".
2. Click on the View Opportunities button under View Available Opportunities.
3. In the Search Criteria, enter the Grant Opportunity name Partnership to Expand and Enhance NY Connects: A Balancing Incentive Program Funding Opportunity for Independent Living Centers and/or Community-Based Organizations and select the Office for the Aging as the Funding Agency.
4. Click on the "Search" button to initiate the search.
5. Click on the name of the Grant Opportunity from the search results grid and then click on the "APPLY FOR GRANT OPPORTUNITY" button located on the bottom left of the Main page of the Grant Opportunity.

In order to access the online application and other required documents such as the attachments, applicants **MUST** be registered and logged into the Grants Gateway system in the user role of either a "Grantee" or a "Grantee Contract Signatory."

Once the application is complete, prospective grantees are **strongly encouraged** to submit their applications at least 48 hours prior to the due date and time. This will allow sufficient opportunity for the applicant to obtain assistance and take corrective action should there be a technical issue with the submission process. Both NYSOFA and Grants Reform staff are available to answer applicant's technical questions and provide technical assistance prior to the application due date and time.

**PLEASE NOTE:** Although NYSOFA and the Grants Reform staff will do their best to address concerns that are identified less than 48 hours prior to the due date and time, there is no guarantee that they will be resolved in time for the application to be submitted and, therefore, considered for funding.

The Grants Gateway will always notify applicants of successful submission. If a prospective grantee does not get a successful submission message assigning their application a unique ID number, it has not successfully submitted an application. During the application process, please pay particular attention to the following:

- Not-for-profit applicants must be prequalified on the due date for this application submission. Be sure to maintain prequalification status between funding opportunities. Three of a not-for-profit's essential financial documents – the IRS990, Financial Statement, and Charities Bureau filing – expire on an annual basis. If these documents are allowed to expire, the not-for-profit's prequalification status expires as well, and it will not be eligible for State grant funding until its documentation is updated and approved, and prequalification status is reinstated.
- Only individuals with the roles “Grantee Contract Signatory” or “Grantee System Administrator” can submit an application.
- Prior to submission, the system will automatically initiate a global error checking process to protect against incomplete applications. An applicant may need to attend to certain parts of the application prior to being able to submit the application successfully. You can also run the global error check at any time in the application process. (See pg. 66 of the Grantee User Guide).
- Grantees should use numbers, letters, and underscores when naming their uploaded files. There cannot be any special characters in the uploaded file name. Also be aware of the restriction on the file size (10 MB) when uploading documents.

The following table will provide a snapshot of which roles are allowed to Initiate, Complete, and Submit the Grant Application(s) in the Grants Gateway.

Role	Create and Maintain User Roles	Initiate Application	Complete Application	Submit Application	Only View the Application
Delegated Admin	X				
Grantee		X	X		
Grantee Contract Signatory		X	X	X	
Grantee Payment Signatory		X	X		
Grantee System Administrator		X	X	X	
Grantee View Only					X

**Late applications will not be accepted. Applications will not be accepted via fax, e-mail, hard copy or hand delivery.**

B. The sections within Part II of the Application contained in this RFA document are required to be submitted. In addition, the applicant is required to complete and submit the budget and the administrative worksheet included in the Grants Gateway budget documents. Administrative costs may not exceed 15 percent (%) of the total contract amount. Also, please note that there is no required match for this program, but matching funds may be included by potential contractors if they wish.

Please note that the Prescribed Program Workplan is found in Part III, 1. Attachments of this RFA. While not necessary to submit, it will be part of the contract awarded to the selected applicants.

**NOTE:** The RFA can also be found at <http://www.aging.ny.gov/>.

**An incomplete submission will be scored accordingly based upon the documents received. NYSOFA will not contact applicants regarding missing sections.**

12. REQUEST FOR INFORMATION

During the evaluation period, applicants may be requested to present information to clarify any part of their application. Such information must be submitted electronically in Grants Gateway and will be included as a formal part of the applicant's application.

13. INCURRED COSTS

The State of New York is not liable for any costs incurred prior to the start date of a contract. None of the costs associated with the development of the application can be charged to the State.

14. DISCLOSURE OF APPLICATION CONTENTS

Except to the extent permitted by law, applications will not be disclosed, except for purposes of internal agency evaluation, prior to approval by the Office of the State Comptroller of the resulting contract. All materials submitted become the property of the State and may be returned at the State's discretion. Submitted applications may be reviewed and evaluated by any person designated by NYSOFA, other than one associated with a competing applicant. NYSOFA reserves the right to use any and all ideas presented in any response to the RFA. Selection or rejection of an application does not affect this right.

If an applicant believes that any information in their application constitutes a trade secret, they may request that such information not be disclosed if requested by a member of the public pursuant to the State Freedom of Information Law. In these instances, the applicant shall submit with its application a letter specifically identifying by page number, line, or other appropriate designation, that information which is a trade secret and explaining in detail why such information is a trade secret. Failure by an applicant to submit such a letter with its application identifying trade secrets shall constitute a waiver by the applicant of any rights it may have under Section 87 of the Public Officers Law relating to protection of trade secrets.

15. LIMITS ON ADMINISTRATIVE EXPENSES AND EXECUTIVE COMPENSATION

NYSOFA has adopted a regulation (Title 9 NYCRR Part 6656) implementing Executive Order No. 38 issued by Governor Andrew Cuomo providing for a limit on administrative expenses and executive compensation of providers of program services in order to meet the State's ongoing obligation to ensure the proper use of taxpayer dollars and the most effective provision of such services to the public. Effective July 1, 2013, covered providers must spend no more than a specified percentage of covered operating expenses funded with State funds or State-authorized payments on administrative expenses. In addition, a covered provider may not use State funds or State-authorized payments for executive compensation given directly or indirectly to a covered executive in an amount greater than \$199,000. These limits apply to covered providers (including

subcontractors) receiving State funds or State-authorized funds unless a waiver of the limit on administrative expenses and/or limit on executive compensation has been granted. Covered providers are required to submit a completed EO#38 Disclosure Form for each covered reporting period within 180 days following the period. Additional information about Executive Order 38 can be found on the E.O. 38 website (<http://executiveorder38.ny.gov/>).

16. CONTRACTOR REQUIREMENTS AND PROCEDURES FOR BUSINESS PARTICIPATION OPPORTUNITIES FOR NEW YORK STATE CERTIFIED MINORITY- AND WOMEN-OWNED BUSINESS ENTERPRISES AND EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITY GROUP MEMBERS AND WOMEN NEW YORK STATE LAW

Pursuant to New York State Executive Law Article 15-A, NYSOFA recognizes its obligation under the law to promote opportunities for maximum feasible participation of certified minority-and women-owned business enterprises and the employment of minority group members and women in the performance of NYSOFA contracts.

In 2006, the State of New York commissioned a disparity study to evaluate whether minority and women-owned business enterprises had a full and fair opportunity to participate in state contracting. The findings of the study were published on April 29, 2010, under the title "The State of Minority and Women-Owned Business Enterprises: Evidence from New York" ("Disparity Study"). The report found evidence of statistically significant disparities between the level of participation of minority-and women-owned business enterprises in state procurement contracting versus the number of minority-and women-owned business enterprises that were ready, willing and able to participate in state procurements. As a result of these findings, the Disparity Study made recommendations concerning the implementation and operation of the statewide certified minority- and women-owned business enterprises program. The recommendations from the Disparity Study culminated in the enactment and the implementation of New York State Executive Law Article 15-A, which requires, among other things, that NYSOFA establishes goals for maximum feasible participation of New York State Certified minority- and women – owned business enterprises ("MWBE") and the employment of minority groups members and women in the performance of New York State contracts.

**Business Participation Opportunities for MWBEs**

For purposes of this procurement, NYSOFA hereby establishes an overall goal of 30% for MWBE participation with a recommended breakdown of 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation. Contractors are encouraged to fulfill the suggested 15% goal for both MBE and WBE vendors; however, strict adherence to the suggested MBE and WBE percentages is not mandatory as long as the overall 30% goal is met. The directory of New York State Certified MWBEs can be viewed at <http://www.esd.ny.gov/mwbe.html>. For guidance on how NYSOFA will determine a Selected Applicant's "good faith efforts," refer to 5 NYCRR §142.8.

In accordance with 5 NYCRR §142.13, the Selected Applicant acknowledges that if it is found to have willfully and intentionally failed to comply with the MWBE participation goals set forth in the Contract, such finding constitutes a breach of Contract and NYSOFA may withhold payment from the Contractor as liquidated damages.

Such liquidated damages shall be calculated as an amount equaling the difference between: (1) all sums identified for payment to MWBEs had the Selected Applicant achieved the contractual MWBE goals; and (2) all sums actually paid to MWBEs for work performed or materials supplied under the Contract.

By submitting a bid or application, a bidder on the Contract ("Bidder" also referred to as Applicant in this RFA) agrees to submit the following documents and information as evidence of compliance with the foregoing:

- A. Bidders are required to submit a MWBE Utilization Plan on Form MWBE 103 with their bid or application. Any modifications or changes to the MWBE Utilization Plan after the Contract award and during the term of the Contract must be reported on a revised MWBE Utilization Plan and submitted to NYSOFA.
- B. NYSOFA will review the submitted MWBE Utilization Plan and advise the Bidder of NYSOFA acceptance or issue a notice of deficiency within 30 days of receipt.
- C. If a notice of deficiency is issued, Bidder agrees that it shall respond to the notice of deficiency within seven (7) business days of receipt by submitting to NYSOFA, Sandy Harvey, 2 Empire State Plaza, 3<sup>rd</sup> Floor, Albany, NY 12223, (518) 408-1079 Fax (518) 474-7949, a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by NYSOFA to be inadequate, NYSOFA shall notify the Bidder and direct the Bidder to submit, within five (5) business days, a request for a partial or total waiver of MWBE participation goals on Form MWBE 104. Failure to file the waiver form in a timely manner may be grounds for disqualification of the bid or application.
- D. NYSOFA may disqualify a Bidder as being non-responsive under the following circumstances:
  - a) If a Bidder fails to submit a MWBE Utilization Plan;
  - b) If a Bidder fails to submit a written remedy to a notice of deficiency;
  - c) If a Bidder fails to submit a request for waiver; or
  - d) If NYSOFA determines that the Bidder has failed to document good faith efforts.

Contractors shall attempt to utilize, in good faith, any MBE or WBE identified within its MWBE Utilization Plan, during the performance of the Contract. Requests for a partial or total waiver of established goal requirements made subsequent to Contract Award may be made at any time during the term of the Contract to NYSOFA, but must be made no later than prior to the submission of a request for final payment on the Contract.

Contractors are required to submit a Contractor's Quarterly M/WBE Contractor Compliance & Payment Report on Form MWBE 105 to NYSOFA by the 10<sup>th</sup> day following each end of quarter over the term of the Contract documenting the progress made toward achievement of the MWBE goals of the Contract.

### **Equal Employment Opportunity Requirements**

By submission of a bid or application in response to this solicitation, the Bidder/Contractor agrees with all of the terms and conditions of the Master Contract for Grants, including IV (J); Minority and Women Owned Business. The Contractor is required to ensure that it and any subcontractors awarded a subcontract over \$25,000 for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work") except where the Work is for the beneficial use of the Contractor, shall undertake or continue programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. For these purposes, equal opportunity shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, and rates of pay or

other forms of compensation. This requirement does not apply to: (i) work, goods, or services unrelated to the Contract; or (ii) employment outside New York State.

Bidder further agrees, where applicable, to submit with the bid a staffing plan (Form MWBE 101) identifying the anticipated work force to be utilized on the Contract and if awarded a Contract, will, upon request, submit to NYSOFA, a workforce utilization report (MWBE 102) identifying the workforce actually utilized on the Contract if known.

Further, pursuant to Article 15 of the Executive Law (the "Human Rights Law"), all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor and sub-contractors will not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

**Please Note: Failure to comply with the foregoing requirements may result in a finding of non-responsiveness, non-responsibility and/or a breach of the Contract, leading to the withholding of funds, suspension or termination of the Contract or such other actions or enforcement proceedings as allowed by the Contract.**

#### 17. CANCELLATION FOR CONVENIENCE

NYSOFA retains the right to cancel this contract, in whole or in part without reason provided that the Contractor is given at least thirty (30) days notice of its intent to cancel. This provision should not be understood as waiving NYSOFA's right to terminate the contract for cause or stop work immediately for unsatisfactory work, but is supplementary to that provision. Any such cancellation shall have no effect on existing State agreements, which are subject to the same thirty (30) day discretionary cancellation or cancellation for cause by the respective user Agencies.

#### 18. REQUIRED AGREEMENTS FOR IMPLEMENTATION, DATA SECURITY, AND DATA SHARING

In order to meet all NY Connects Standards and conform to all requirements and deliverables of the NY Connects NWD, each successful applicant to this RFA serving specified regions will be required to establish formalized relationships with the AAAs and LDSSs in that region. Such formalized relationships should be established through an agreement such as a Memorandum of Understanding (MOU), Memorandum of Agreement (MOA), Contract, or Subcontract, and in any event must be memorialized in writing.

Additionally, successful applicants will enter into all Data Use Agreements (DUAs), Data Exchange Application and Agreements (DEAAs), or other required agreements as defined by NYSOFA with state and local entities to meet all data security, data sharing, and related requirements.

#### 19. NOTIFICATION OF AWARD

After evaluation and selection of the successful applicant for each region, the unsuccessful applicants will be notified in writing that their application was not selected. **The successful applicant's press releases pertaining to this program shall not be made public without prior written approval by NYSOFA.**

#### 20. DEBRIEFINGS AND PROTESTS

As noted above, the State shall provide all applicants with written notice of the contract award. Unsuccessful applicants may request and are entitled to a debriefing. Any interested party may protest the contract award. The notice of contract award will state the method of any debriefing and the date by which a protest may be filed.

The complete Protest and Debriefing Procedure for Competitive Awards by the New York State Office for the Aging can be found at:  
<http://www.aging.ny.gov/contractsandgrants/protestprocedure.cfm>. A copy of the procedure will be provided to any applicant upon request.

#### 21. APPLICATION EFFECTIVE PERIOD

All Applications received in response to this RFA will remain in effect for at least ninety (90) days following the final date for submission of Applications.

#### 22. APPLICATION MODIFICATION

Should a successful applicant wish to significantly modify its program activities after notification of the award, NYSOFA reserves the right to rescind the award.

#### 23. REIMBURSEMENT

All claims for payment shall be submitted in accordance with procedures as set forth in the Payment and Reporting Schedule. Successful applicants will be eligible for a 25 percent advance payment upon execution of the contract between the successful applicant and NYSOFA.

Under no circumstances will any contract be valid and enforceable until approved by the Office of the State Comptroller. All subsequent payments will be made on a reimbursement basis following expenditures for approved costs in accordance with the contract budget (Attachment B).

Reimbursement vouchers must be submitted on at least a quarterly basis. If an advance payment is made, it will be recouped against amounts due on reimbursement claims submitted during the latter part of the contract period. The final claim for payment must be submitted within sixty (60) days following the end of the contract period.

#### 24. CONTRACTOR RESPONSIBILITIES

The following are the requirements for the delivery of service under the contract which would be awarded to the successful applicants (referred to as Contractor in a – g of this section):

- a. The Contractor will serve an entire specified region, and the selected entity will be required to work in partnership and as part of NY Connects in each county or AAA jurisdiction within the specified region. The Contractor will comply with the NY Connects Standards. The Contractor also will report to NYSOFA on a scheduled basis on expenditures of funds, specified programmatic requirements and activities, and quality measurement.
- b. The Contractor, working with the NY Connects entity, will provide the required NY Connects functions in each county in the region(s) it serves. The Contractor will have the ability to serve individuals in each county in-person at the NY Connects location and in the consumer's home if necessary.

- c. The Contractor will maintain administrative responsibility and oversight of grant activities and assure adherence to all NYSOFA and NY Connects Standards in the implementation of the local NY Connects programs, as well as all reporting and other requirements associated with the contract.
- d. The Contractor, in conjunction with the NY Connects, local AAA, and its partners, will perform, either directly or by subcontract, all functions of the NY Connects with a singular identity and voice.
- e. The Contractor or its subcontractors will be active members of the local NWD Implementation Team, either in person, or through teleconference/webinar, including participation in NWD Implementation Team meetings, which shall occur at least quarterly, to establish seamless linkages, communication strategies, and other local implementation strategies that align with the NY Connects.
- f. The Contractor, or its subcontractors, shall be active members of each county based Long Term Care Council (LTCC), including participation, either in person or through teleconference/webinar, in the LTCC meetings occurring a minimum of three times annually and at a frequency adequate to fulfill its responsibilities.
- g. The Contractor agrees, and will require subcontractors, if any, to agree, to provide consumers with a complete list of qualified providers of the services a consumer needs and to provide unbiased information to consumers related to selection of providers.

The Contractor will include the Contractor Responsibilities in its subcontracts and will monitor for compliance. The Contractor agrees that it will not seek payment for NY Connects functions or activities under the Agreement for functions or activities performed by staff funded under another NY Connects contract or agreement.

## 25. STATE RESERVED RIGHTS

New York State Procurement Rights.

NYSOFA reserves the right to:

1. Prior to the application review, amend the RFA specifications to correct errors or oversights, or to supply additional information, as it becomes available;
2. Prior to the application review, direct applicants to submit proposal modifications addressing subsequent RFA amendments;
3. Change any of the scheduled dates;
4. Reject applications that fail to meet mandatory requirements;
5. Withdraw the RFA at any time, at the agency's sole discretion;
6. Eliminate any specifications that cannot be complied with by all of the prospective applicants;

7. Disqualify any applicants whose conduct and/or application fails to conform to the requirements of the RFA;
8. Require clarification at any time during the application process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of an applicant's application and/or to determine an applicant's compliance with the requirements of the application;
9. Use application information obtained through site visits, management interviews and the State's investigation of an applicant's qualifications, experience, ability or financial standing, and any material or information submitted by the applicant in response to the agency's request for clarifying information in the course of evaluation and/or selection under the RFA;
10. Make an award under this RFA in whole or in part; and
11. Utilize any and all ideas submitted in the proposals received.

## **PART II: COMPLETING THE APPLICATION**

### **1. Application Format/Content**

Please refer to the Quick Start Guide for assistance in applying for this procurement through the Grants Gateway. This guide is available on the Grants Reform website at: [www.grantsreform.ny.gov/Grantees](http://www.grantsreform.ny.gov/Grantees).

#### *Application Content:*

1. Cover Page
2. Mandatory Minimum Qualifications
3. Organizational Experience and Capacity
4. Program Design
5. Reporting and Budget
6. Organizational Chart(s)
7. Resumes
8. Letters of Commitment (if using subcontractors)

### **2. Mandatory Minimum Qualifications**

*Failure to submit a completed Part II-2 will result in rejection of the application.*

Applicant: \_\_\_\_\_

1. The applicant is an ILC or other not-for-profit CBO.

Yes\_\_\_\_\_

No\_\_\_\_\_

2. The applicant is physically located in New York State and has a bricks and mortar presence in the region it proposes to serve.

Yes\_\_\_\_\_

No\_\_\_\_\_

3. The applicant has a minimum of five years of experience with the basic core components of I&A and OC/PCC as delineated in the NY Connects Standards, or demonstrated comparability to such.

Yes\_\_\_\_\_

No\_\_\_\_\_

4. The ILC or CBO is registered with the NYS Grants Gateway portal.

Yes\_\_\_\_\_

No\_\_\_\_\_

### 3. Application Questions

#### I. Organizational Experience and Capacity (Maximum Score: 30 points)

For each of the following, describe how the lead applicant and any entity it intends to subcontract with will create an infrastructure to expand and enhance program operations that support the core functions outlined in NY Connects Standard 2.

1. a.) Identify the Region Number the lead applicant is proposing to serve: \_\_\_\_\_

b.) Define and describe how the lead applicant will provide the required NY Connects functions in each county in the region(s) it proposes to serve. Describe the methods for serving individuals in each county in-person at the NY Connects location and in the consumer's home if necessary. **(5 points)**

2. a.) Describe the mission of the lead applicant and its organizational structure. If the lead applicant is part of a larger organization, describe its relationship within the larger organization. Provide an organizational chart that outlines staffing and reporting relationships. **(5 points)**

b.) Describe the lead applicant's capacity to provide dedicated staff to perform the NY Connects program functions. Indicate how staff qualifications meet the core competencies outlined in NY Connects Standard 6. Include resumes for existing staff that will be dedicated to the program. **(8 points)**

3. a.) Describe the relevant experience of the lead applicant as an organization in working with and communicating with individuals of all ages with disabilities that is applicable to delivering the NY Connects core functions, including length and breadth of experience. **(9 points)**

b.) Describe the experience the lead applicant has in conducting outreach and service provision to diverse populations including, but not limited to, such groups as: individuals who are Medicaid eligible, private pay, underserved, culturally diverse populations, limited English proficiency, and lesbian, gay, bisexual, and transgender (LGBT). **(3 points)**

## **II. Program Design (Maximum Score: 50 points)**

For each of the following, describe how the lead applicant and any entity it intends to subcontract with plans to work as part of the NY Connects program to expand and enhance program operations that support the core functions outlined in NY Connects Standard 2 and specifically referenced in question 1.a-g below. Responses must include how the agency will function in concert with the AAA and LDSS *in each location in the region it proposes to serve*. If existing contractual relationships exist, please indicate how these will be expanded and enhanced. Responses should also specifically indicate experience in working with individuals with physical disabilities.

1. a.) Describe how the lead applicant and any proposed subcontractors will implement the functions of NY Connects. Include how information and assistance on long term services and supports and application assistance for Medicaid and/or other public benefits, as well as the NWD Screen, will be delivered **(Standard 14, 15, and 16). (16 points)**

b.) Describe the methods that will be put in place to enable collaborative working relationships with other NWD partners and make linkages for Program Eligibility Assistance/Comprehensive Assessment Coordination as appropriate **(Standard 13). (7 points)**

c.) Describe how Person-Centered Assistance/Options Counseling will be offered to individuals who require and/or request support and assistance with decision making regarding their current or future LTSS needs **(Standard 17). (7 points)**

d.) Describe how the process for assisting discharge planners and professional staff working in acute care, rehabilitative and other critical pathways with care transitions from hospital or skilled nursing facility to home or least restrictive settings transitions **(Standard 18). (7 points)**

e.) Describe the process for participating in the development and implementation of an on-going education and awareness campaign about long term services and supports that will educate all residents about NY Connects in their community **(Standard 19). (3 points)**

f.) Describe the methods that will be put in place to establish and participate in cooperative relationships at the county and regional levels to help identify issues in the existing long term care system and its capacity for ensuring access to a coordinated system of service delivery for consumers. Letters of Support or Commitment should be submitted **(Standard 13, 20, 1.8). (2 points)**

g.) Describe the process that will be put in place to work with the NY Connects NWD partners in evaluating the NY Connects program **(Standard 21). (3 points)**

2. Describe the steps the lead applicant and its subcontractors, if any, will take to protect confidentiality and provide an environment where staff can have confidential conversations with individuals of all ages with disabilities seeking information and assistance on long term services and supports (**Standard 23**). **(5 points)**

### **III. Reporting and Budget (Maximum Score: 20 points)**

Each of the following address the proposed budget and data collection and reporting processes.

1. Describe how the proposed budget supports the implementation of the program design outlined in the Program Summary. **(7 points)**
2. Describe any experience the lead applicant has using web based data collection and reporting systems to generate reports and analyze data trends. **(3 points)**
3. Describe the lead applicant's experience with the NYS accounting/vouchering processes and whether there are staff dedicated to fiscal operations. **(3 points)**
4. Describe the lead applicant's current operating budget, sustainability plan for supporting program operations, and the ability to meet standard accounting practices. **(7 points)**

Balancing Incentive Program  
 ILC/CBO Request for Applications  
 Regional Funding  
 Contract Period: 1/1/2017-3/31/2018

<u>Region number and Location</u>	<u>Population with a Disability</u>	<u>Available Funding Period 1 1/1/17-7/31/17*</u>	<u>Available Funding Period 2 8/1/17-3/31/18</u>	<u>Total Contract Funding Available</u>	<u>Percent of Funding</u>
Region 1 - Western	362,985	\$685,104	\$685,104	\$1,370,208	17.13%
Region 2 - Central	215,473	406,687	406,687	813,374	10.17%
Region 3 - Northeast	199,427	376,402	376,402	752,804	9.41%
Region 4 - Hudson Valley	237,718	448,673	448,673	897,346	11.22%
Region 5 - Metropolitan New York	855,268	1,614,245	1,614,245	3,228,490	40.36%
Region 6 - Long Island	<u>248,429</u>	<u>468,889</u>	<u>468,889</u>	<u>937,778</u>	11.72%
Total	2,119,300	\$4,000,000	\$4,000,000	\$8,000,000	100.01%
Total Funding Available	- Period 1	\$4,000,000			
	- Period 2	\$4,000,000			

\* The available funding for period 1 of the contract must be fully expended by 7/31/17 and must be vouchered to the New York State Office for the Aging no later than 8/31/17 in order to ensure payment.

**PART III**  
**1. PRESCRIBED PROGRAM WORK PLAN**  
**ATTACHMENT W**

**A Partnership to Expand and Enhance NY Connects**

**JANUARY 1, 2017 (or contract execution) – MARCH 31, 2018**

<b>GOAL 1: To engage in planning and collaboration in order to support and improve access to an integrated long term services and supports delivery system.</b>		
<b>Deliverable:</b>	<b>Documentation or Metric:</b>	<b>Compliance Date:</b>
1.1. ILC or CBO Staff and their populations served will be actively engaged and represented on the local LTCCs in each county in the selected ILC or CBO region.	a. Demonstrate active membership on each local LTCC  b. Participate in each local LTCC meeting and be listed as a participant in the meeting minutes	a. Contract Execution + 30 days  b. Contract execution + 90 days
1.2. In accordance with State Program Standard 1.1., the Independent Living Centers and other Community Based Organizations serving Individuals with Physical Disabilities (ILC or CBO), will sign a Memorandum of Understanding (MOU) or Memorandum of Agreement (MOA) between the Area Agency on Aging (AAA), the local Department of Social Services (LDSS), and other NY Connects/Hub partners. This MOU or MOA must, at a minimum, <u>specifically</u> delineate respective roles and responsibilities in collaboration with the AAA and LDSS and in accordance with the prescribed template.	a. Copy of MOU or MOA  b. Copy of revisions as appropriate	a. Contract execution + 90 days  b. Ongoing as appropriate
1.3. The ILC or CBO will develop cooperative working relationships with other ILCs or CBOs to assist in building an integrated service delivery system and ensure full service capacity across AAA, LDSS, and ILC or CBO for each county in the ILC/CBO region. Memorandums of Understandings or Agreements (MOU or MOA) must be established.	a. Description of how the ILC or CBO and/or their subcontractors will provide coverage to ensure capacity  b. Copies of all subcontracts, MOUs or MOAs if applicable	a. Contract execution + 60 days  b. Contract execution + 180 days

1.4. As required by NY Connects State Program Standard 1.1, the ILC or CBO will maintain active participation on the NWD Implementation Teams in each county in the selected region.	a. The ILC or CBO will assist with the compilation of reports related to the work of the NWD Implementation Team	a. Ongoing as needed
1.5. The ILC or CBO staff providing information and assistance as part of the NY Connects program will received the state-mandated Information and Assistance training.	a. Certificate of Completion	a. Contract execution + 60 days
1.6. As part of the NY Connects the ILC or CBO will work in collaboration with the Specialized NWD in accordance with applicable NY Connects Standards, including branding and all operational protocols.	a. The ILC or CBO will assist with the reporting of identified linkages and collaboration on specific cases	a. Ongoing as needed
1.7. The ILC or CBO will participate in NY Connects Staff meetings as required.	a. Attendance logs	a. Contract execution + 30 days

**GOAL 2: Develop the infrastructure necessary to successfully meet the BIP requirements and the revised NY Connects Standards.**

<b>Deliverable:</b>	<b>Documentation or Metric:</b>	<b>Compliance Date:</b>
2.1. In accordance with NY Connects State Program Standard 5, ILC or CBO staff are identified to perform Information and Assistance functions and the NWD Screen for NY Connects contacts, including phone calls, walk-ins, and off-site visits.	<ul style="list-style-type: none"> <li>a. Listing of all identified staff, titles and job functions</li> <li>b. Copy of organizational chart and job descriptions</li> <li>c. Updates as necessary</li> </ul>	<ul style="list-style-type: none"> <li>a. Contract execution + 60 days</li> <li>b. Contract execution + 60 days</li> <li>c. Ongoing as occurs</li> </ul>
2.2. In accordance with NY Connects State Program Standard 14, staff providing Information and Assistance and/or Person-Centered Assistance/Options Counseling will participate in training on the NWD Screen.	a. Certificate of Completion	a. Contract execution + 60 days
2.3. In accordance with NY Connects State Program Standard 10, the ILC or CBO, in its role as NY Connects, will provide barrier-free access to its services that accommodates people with special needs and access for individuals who speak languages other than English.	a. Demonstrated Compliance with accessibility requirements, including but not limited to Section 504 of the Rehabilitation Act of 1973 and the	a. ongoing as required

<p>The ILC or CBO will ensure accessibility compliance in the following ways:</p> <ul style="list-style-type: none"> <li>• Physical accessibility, as per federal, state, and local laws, regulations, and issuances.</li> <li>• Language accessibility for consumers with limited English proficiency (At a minimum, must establish a telephonic interpretation service contract with a language interpretation services provider).</li> <li>• Communication accessibility for individuals with disabilities through auxiliary aids and services (711/NY Relay, TTY/TTD, large print materials, audio recordings, Braille, etc.).</li> </ul>	<p>Americans with Disabilities Act.</p>	
<p>2.4. In accordance with NY Connects State Program Standard 15, an ILC or CBO Executive Staff person is identified to be the Health Commerce System (HCS) Coordinator to complete the identify proofing process for only those staff who are working as NY Connects NWD staff members so they can obtain HCS user names and IDs. An additional staff member will be identified to assign roles to those staff who will be granted access the NWD Screen.</p>	<p>a. Identified HCS Coordinators submitted to NYSOFA</p> <p>b. Up to 2 additional Coordinators are submitted to NYSOFA</p>	<p>a. Contract execution + 30 days</p> <p>b. Contract execution + 30 days</p>
<p>2.5. The ILC or CBO will maintain a process for accepting and responding to calls that are routed by the NY Connects program.</p>	<p>a. Provision of telephone number that calls will be routed to</p> <p>b. Provision of detailed call flow diagram</p>	<p>a. Contract execution + 30 days</p> <p>b. Contract execution + 30 days</p>
<p>2.6. In accordance with NY Connects State Program Standard 12, staff providing Information and Assistance and/or Person - Centered Assistance/Options Counseling will participate in training on the new statewide database and resource directory.</p>	<p>a. Certificate of Completion</p>	<p>a. Contract execution + 60 days</p>
<p>2.7. In accordance with NY Connects State Program Standard 12, the ILC or CBO will add and maintain comprehensive and current resource listings of LTSS programs and providers in the State's NY Connects Resource Directory website.</p>	<p>a. Assist with the identification of resources to include in the NY Connects LTSS Resource Directory</p>	<p>a. Ongoing as needed</p>

**GOAL 3: To sustain and enhance a NY Connects program that serves individuals and caregivers in need of long term services and supports through the operation of core functions in a manner that supports their independence and self-determination.**

<b>Deliverable:</b>	<b>Documentation or Metric:</b>	<b>Compliance Date</b>
3.1. ILC or CBO staff providing Information and Assistance and/or Person-Centered Assistance/Options Counseling have access to the necessary technology to expedite service linkages (e.g., laptops, scanners, MIFI, portable printers, phone system that can conduct three way calls and provide ability to do ‘warm transfers”, etc.).	a. Description of plan to utilize technology to expedite service linkages.	a. Contract execution + 30 days
3.2. The ILC or CBO will provide Information and Assistance about long term services and supports to all populations as required by the BIP structural changes. Program adjustments must be made, as necessary, to accommodate: <ul style="list-style-type: none"> <li>• On-site presence at each local NY Connects NWD as needed</li> <li>• Off-site visits</li> <li>• Seamless coordinated transfers to the Specialized NWDs</li> <li>• Linkages to more intensive services.</li> </ul>	a. Provision of information to the local NY Connects program to support their compliance with NY Connects NWD reporting requirements.  b. Description of onsite and offsite processes to accommodate BIP program requirements.	a. Ongoing as required  b. Contract execution + 30 days
3.3. In accordance with NY Connects State Program Standard 2, the ILC or CBO will utilize the NWD Screen to collect prescribed information on individual and caregiver needs, likelihood of financial and programmatic eligibility, and type of services and resources that might best meet the needs of the individual and/or caregiver.	a. Compliance with the NWD Screen and the Uniform Assessment System of New York, accessed through the E-Health Commerce System.	a. Contract execution + 180 days
3.4. In accordance with NY Connects State Program Standard 19, the ILC or CBO will work in conjunction with each local NY Connects program in the delivery of public education and will comply with the statewide public education campaign that uses materials that are developed and approved by the state.	a. Listing of education and awareness events that were conducted.  b. Demonstrated compliance with the statewide public education campaign.	a. Ongoing as required  b. Ongoing as required
3.5. In accordance with NY Connects State Program Standard 18, the ILC or CBO will facilitate safe transitions for individuals transitioning from one setting to another by establishing partnerships with critical pathway providers (hospitals, physicians, skilled nursing	a. Units of targeted outreach to critical pathway providers to support compliance with NY Connects quarterly reports.	a. Ongoing as required

facilities, assisted living facilities, etc.).	b. Number of referrals from critical pathway providers to support compliance with NY Connects quarterly reports.	b. Ongoing as required
3.6. The ILC or CBO will implement Options Counseling/Person-Centered Assistance protocols that reflect the NWD structure and adhere to the Administration for Community Living's National Standards on Options Counseling.	a. Number of units of Options Counseling/Person-Centered Assistance provided to support compliance with NY Connects quarterly reports.	a. Ongoing as required
3.7. The ILC or CBO will follow the NY Connects NWD protocols for streamlining access to public benefits and application assistance, which include the following: <ul style="list-style-type: none"> <li>• Assistance with submitting a completed application</li> <li>• Following up on eligibility determination status</li> <li>• Linking to entities for necessary support in application process</li> <li>• Utilizing the NWD Screen to identify the likelihood of Medicaid eligibility and the need for other system support</li> <li>• Promoting the use of resources such as the myBenefits pre-screening website and NY State of Health (NYSOH) website</li> </ul>	a. Number of units of application assistance to support compliance with NY Connects quarterly reports.  b. Number of referrals to myBenefits pre-screening, NYSOH, and other entities who provide application assistance to support compliance with NY Connects quarterly reports.	a. Ongoing as required  b. Ongoing as required
3.8. The ILC and/or CBO must provide reports on a timely schedule as specified by the State, including summary reports on programmatic and financial activities for the contract year, as specified in the annual Program Specific Assurances.	a. Compliance with reporting requirements and timely submission.	a. Ongoing as required

**GOAL 4: To develop a full “No Wrong Door” system network that provides consistent information and assistance across populations under the Balancing Incentive Program.**

<b>Deliverable:</b>	<b>Documentation or Metric:</b>	<b>Compliance Date</b>
4.1. In accordance with NY Connects State Program Standard 21, the ILC or CBO will work with the NY Connects NWD partners to implement the State evaluation plan and report that includes the examination of measurable objectives, outcomes and existing or future state/federal requirements for consumer, program and systems	a. Compliance with NYSOFA's evaluation requirements.	a. Contract execution + 30 days

level surveys, satisfaction surveys, staff surveys.		
4.2. The ILC or CBO staff will work as core team members of the NY Connects NWD, following the policies and procedures established according to the NY Connects Standard 11 and the State NWD Operating Protocols, including providing a physical presence at each NY Connects locality as necessary.	<ul style="list-style-type: none"> <li>a. Schedule of physical presence at each of the local NY Connects NWD sites.</li> <li>b. Attendance at NWD Implementation Meetings</li> </ul>	<ul style="list-style-type: none"> <li>a. Contract execution + 90 days</li> <li>b. Ongoing as required</li> </ul>
4.3. The ILC or CBO staff will receive comprehensive, cross-agency training with AAAs and LDSS, and orientation to perform NY Connects core functions as delineated in the NY Connects Program Standards and will participate in all required trainings to support the NY Connects expansion and enhancement.	<ul style="list-style-type: none"> <li>a. Trainings received and attendees</li> <li>b. Documentation of participation in state required trainings.</li> </ul>	<ul style="list-style-type: none"> <li>a. Ongoing as required</li> <li>b. Ongoing as required</li> </ul>
4.5. The ILC or CBO will determine staff time spend on Medicaid-related activities through time study methodology.	<ul style="list-style-type: none"> <li>a. Compliance with prescribed document.</li> </ul>	<ul style="list-style-type: none"> <li>a. Ongoing as required</li> </ul>

**PART III**  
**2. Designated Regions**

**Region 1 Western NY:**

Allegany, Cattaraugus, Chautauqua, Chemung, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Schuyler, Seneca, Seneca Nation, Steuben, Wayne, Wyoming, Yates

**Region 2 Central NY:**

Cayuga, Cortland, Jefferson, Lewis, Madison, Oneida, Onondaga, Oswego, St. Lawrence, Broome, Chenango, Tioga, Tompkins

**Region 3 Northeast**

Albany, Clinton, Columbia, Delaware, Essex, Franklin, Fulton, Greene, Herkimer, Montgomery, Otsego, Rensselaer, Saratoga, Schenectady, Schoharie, St. Regis-Mohawk, Warren/Hamilton Washington

**Region 4 Hudson Valley:**

Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, Westchester

**Region 5 Metropolitan New York:**

New York City, Richmond, Kings, Queens, Bronx

**Region 6 Long Island:**

Nassau, Suffolk

**PART III**  
**3. NY Connects State Program Standards**



**NY Connects**  
Your Link to Long Term  
Services and Supports

**Preamble:**

New York State was awarded \$598.7 million on March 15, 2013 for participation in the Balancing Incentive Program (BIP), a program authorized by Section 10202 of the Patient Protection and Affordable Care Act of 2010 (Pub. L. 111-148), that requires implementation of a statewide No Wrong Door/Single Entry Point. To accomplish this structural change, the State is building upon the existing NY Connects system, expanding it geographically to cover the entire state and functionally, to serve all populations with long term services and supports (LTSS) needs.

In the No Wrong Door (NWD) structure, NY Connects will serve as the “”, a comprehensive resource for all LTSS populations, to distinguish it from the role of the Specialized No Wrong Doors (NWDs) that serve individuals with population-specific LTSS needs. The Behavioral Health Door, designated by the NYS Office of Mental Health (OMH) as its Specialized NWD, will provide information, resources and help accessing services and/or programs for people, including their family members and caregivers, with behavioral health needs. The Office for People with Developmental Disabilities (OPWDD) Front Door will also assume the role of a Specialized NWD for those with Intellectual and/or Developmental Disabilities as well as their caregivers and families.

Currently, several State Agencies are collaborating to establish State NWD Operating Protocols and business rules to detail the processes that will determine how various functions are performed by the staffs of NY Connects and Specialized NWDs. Upon its completion, these Protocols will be shared and partnerships among these entities must be established and maintained in accordance with them. These protocols will also help guide the processes for the online questionnaire and NWD Screen, tools the State is developing to provide preliminary information about LTSS needs and possible programmatic and/or financial eligibility for public programs. Training on the finalized State NWD Operating Protocols, online questionnaire and NWD Screen will be provided.

The NY Connects State Program Standards apply to NY Connects. The State NWD Operating Protocols will apply to NY Connects and the Specialized NWDs. Both the NY Connects State Program Standards and State NWD Operating Protocols will be updated, as necessary and appropriate.

# NY CONNECTS STATE PROGRAM STANDARDS

## Table of Contents

I. ORGANIZATIONAL AND PROCEDURAL REQUIREMENTS	1
A. ADMINISTRATION	1
Standard 1: Establishment of a Local NY Connects Program and Establishment as a No Wrong Door	1
Standard 2: Core Functions	3
Standard 3: Administrative Responsibility of the Local Administrative Agency	4
Standard 4: Conflict of Interest: Local Administrative Agency and Partnering Entities	4
Standard 5: Human Resource Management	5
Standard 6: Direct Service Staff Qualifications	6
Standard 7: Culturally and Linguistically Appropriate Services	8
Standard 8: Populations Served	9
B. OPERATIONS	9
Standard 9: Business Practices	9
Standard 10: Accessibility	11
Standard 11: Written Policies and Procedures	12
Standard 12: NY Connects Resource Directory Listing	12
Standard 13: Other Collaborative Relationships	14
II. NY CONNECTS CORE FUNCTIONS	14
A. SCREENING, INFORMATION AND ASSISTANCE AND BENEFITS APPLICATION ASSISTANCE	14
Standard 14: Screening	14
Standard 15: Information and Assistance	15
Standard 16: Application Assistance	16
B. OPTIONS COUNSELING	17
Standard 17: Person-Centered Assistance/Options Counseling	17
C. CARE TRANSITIONS	17
Standard 18: Care Transitions	17
D. PUBLIC EDUCATION	18
Standard 19: Public Education	18
E. LONG TERM CARE COUNCIL	19
Standard 20: Long Term Care Council	19

F. EVALUATION	20
Standard 21: Performance, Evaluation, Quality Assurance and Continuous Improvement	20
G. DATA COLLECTION AND REPORTING	21
Standard 22: Data Collection and Reporting	21
H. CONFIDENTIALITY AND DATA SHARING	21
Standard 23: Confidentiality, HIPAA Compliance and Data Sharing	21
APPENDIX A	
Sample Disclosure Statement	A1
Conflict of Interest Disclosure Statement	A2

## I. ORGANIZATIONAL AND PROCEDURAL REQUIREMENTS

### A. ADMINISTRATION

#### **Standard 1: Establishment of a Local NY Connects Program and Establishment as a No Wrong Door:**

NY Connects: *Choices for Long Term Care* is statutorily mandated through the New York State Elder Law §203(8) and complies with federal statute as prescribed by the 2006 Reauthorization of the Older Americans Act (OAA). The purpose of the NY Connects program is to provide consistent, comprehensive, locally based information and assistance on long term services and supports (LTSS) to individuals, caregivers and families to help them make informed choices and assistance in accessing such services and supports, regardless of age or how financed (public benefit programs or private pay).

As New York State builds upon the existing NY Connects infrastructure to meet the structural reform of a Statewide No Wrong Door/Single Entry Point (NWD/SEP) as required under Section 10202 of the Patient Protection and Affordable Care Act (PL 111-148) known as the Balancing Incentive Program (BIP), NY Connects is being expanded geographically and functionally to serve all populations with LTSS needs. As such, each local NY Connects program will operate in accordance with the NY Connects State Program Standards and State No Wrong Door (NWD) Operating Protocols.

NY Connects may sometimes be referred to as the NWD or NY Connects to distinguish it from the role of the Specialized No Wrong Doors (NWDs) designated by the Office of Mental Health (OMH) and the Office for People with Developmental Disabilities (OPWDD). In partnership, NY Connects and Specialized NWDs shall form the NY Connects No Wrong Door Network to meet the NWD/SEP structural reform required by BIP.

Individuals, families and others may contact the NY Connects No Wrong Door Network to obtain consistent comprehensive information, assistance and coordinated guidance, regardless of age, disability, or payor source to the New York State array of available LTSS and public benefit options, as appropriate, across systems. It is an optional, voluntary service being provided to the public; it is not required to be utilized in order to access Medicaid, other public benefits, or LTSS programs. The purpose is to create seamless coordination across systems and populations seeking LTSS and provide easier access and understanding.

A local NY Connects shall be established in each county or Area Agency on Aging (AAA) Planning and Service Area (PSA).

- 1.1** In order to establish the interconnections required of NY Connects at the local level, the local administrative agency, local operating agency (if different from local administrative agency), and each of the partners and their subcontractors must enter into a formalized relationship defining the roles and responsibilities. This relationship must be established in a written agreement such as a Memorandum of Understanding (MOU), Memorandum of Agreement (MOA), Contract or Subcontract. Such agreement must conform to NY Connects State Program Standards and State NWD Operating Protocols.

At a minimum, the Area Agency on Aging (AAA) and the Local Department of Social Services (LDSS), together with the State Contracted Independent Living Center (ILC) and/or Not-for-Profit Community Based Organization (CBO) for Individuals with Physical Disabilities selected through competitive bid process, shall act as NY Connects in accordance with the NY Connects State Program Standards and also work in collaboration with the Specialized NWDs designated by the OMH and OPWDD in accordance with the State NWD Operating Protocols.

Formal partnerships with other community based organizations or local governmental entities may be established as deemed necessary and appropriate, to fulfill all the functions of the NY Connects program and its role as the NWD.

- 1.2** The New York State Office for the Aging (NYSOFA) as the state administering agency of NY Connects has identified the AAA to serve as the local administrative agency for the local NY Connects.

However, in any county or AAA PS where the Area Agency on Aging does not enter into an agreement with the New York State Office for the Aging to operate NY Connects, an entity (neighboring AAA, or an ILC or CBO) will be selected by the State through a competitive process to administer the NY Connects core functions within that geographic jurisdiction in accordance with the NY Connects State Program Standards and State NWD Operating Protocols.

- 1.3.** The local administrative agency may subcontract any or all functions with other county governmental entities (e.g. LDSS) or community based organization(s), but shall retain responsibility to assure adherence to NY Connects State Program Standards and State NWD Operating Protocols in the implementation of the local NY Connects.
- 1.4.** The local administrative agency and its partners, regardless of the number of agencies comprising the partnership, including the Independent Living Center and/or Not-for-Profit Community Based Organization for Individuals with Physical Disabilities contracted by the State, shall perform the core functions of NY Connects with a singular identity and voice and each partner/contractor/subcontractor must operate in accordance with these NY Connects State Program Standards and State NWD Operating Protocols.
- 1.5.** The ILCs and/or Not-for-Profit CBO for Individuals with Physical Disabilities regionally contracted by the NYSOFA to work in partnership and as part of the NY Connects in each county or AAA PSA will be responsible to comply with the NY Connects State Program Standards and State NWD Operating Protocols.
- 1.6.** The best practice for creating a seamless, efficient experience for individuals is for the staff of the local NY Connects administrative entity and its partners to be co-located in the same space or building. While not required, this best practice is strongly recommended.
- 1.7.** A formalized relationship defining roles and responsibilities between the local NY Connects, the OPWDD designated Specialized NWD and the OMH designated Specialized NWD covering the same geographic area relative to ongoing planning and communication, referrals, data sharing and reporting shall be established via a specified agreement such as an MOU, MOA or contract in accordance with State NWD Operating Protocols.

**1.8.** A Local NWD Implementation Team will be established consisting of representatives of each of the NY Connects partners required by **Standard 1.1.** and of the Specialized NWD partners designated by OPWDD and OMH. The Local NWD Implementation Team shall conference or meet at least monthly to establish seamless linkages, communication strategies, best practices and other local implementation strategies that align with the NY Connects State Program Standards and State NWD Operating Protocols. The Local NWD Implementation Team will also identify and work on addressing barriers that may be impeding implementation, cultural change within each system needed to foster effective collaborative working relationships to improve service delivery, and other issues that may hinder implementation of the NY Connects State Program Standards and/or State NWD Operating Protocols.

The Local NWD Implementation Team will identify outcome measures and report to NYSOFA on outcomes and impact of interrelationships among the NY Connects partners.

**1.9.** The local NY Connects name must include the State prescribed title of “NY Connects” to ensure statewide standardization. The placement (end, beginning, embedded) of the State prescribed title in the name of the local NY Connects program is at the discretion of the local administrative agency.

## **Standard 2: Core Functions:**

### **The core functions of each local NY Connects must include:**

- Information and Assistance;
- Online questionnaire: available on the Statewide NY Connects public website, in accordance with **Standard 9.7.**;
- No Wrong Door (NWD) Screen: preliminary functional and financial screening in accordance with **Standard 14.**;
- Coordination with other agencies to guide the individual through the financial and functional eligibility processes, including linkage to the Medicaid comprehensive Level II/Uniform Assessment System (UAS-NY) or comparable functional needs assessment as appropriate;
- Application and Enrollment assistance for public benefit programs, including Medicaid, as appropriate;
- Person-Centered Assistance/Options Counseling;
- Care Transitions;
- Collaboration and Planning through establishment and maintenance of a local Long Term Care Council;
- Maintenance of current provider listings in the State on-line NY Connects Resource Directory ([www.nyconnects.ny.gov](http://www.nyconnects.ny.gov));
- Public Education;
- Evaluation, Quality Assurance and Continuous Improvement;
- Data Collection and Reporting of service, outcome and quality measure data; and
- Confidentiality, HIPAA Compliance and Data Sharing.

- 2.1. All core functions must be performed in accordance with the NY Connects State Program Standards specified in **Standards 14 through 23** of this document and the State NWD Operating Protocols.

### **Standard 3: Administrative Responsibility of the Local Administrative Agency:**

**The designated local administrative agency is responsible for administration of the local NY Connects program through the following:**

- 3.1. Allocating resources to enable the NY Connects program to provide the core functions and maintain the NY Connects State Program Standards and State NWD Operating Protocols set forth by the State;
- 3.2. Maintaining the infrastructure necessary to support the implementation of NY Connects, in accordance with NY Connects State Program Standards, Standard Assurances and State NWD Operating Protocols, through the provision of staffing, space, equipment and other resources in order to adequately sustain program operations and functions;
- 3.3. Maintaining financial records in accordance with generally accepted accounting practices;
- 3.4. Submitting reports to the NYSOFA on expenditures of funds, programmatic requirements and activities, and quality measurement. NYSOFA will share with NYS Department of Health and others as appropriate.
- 3.5. Overseeing and assuring adherence to the NY Connects State Program Standards and State NWD Operating Protocols by subcontractors.

### **Standard 4: Conflict of Interest: Local Administrative Agency and Partnering Entities**

**The local administrative agency and partner entities comprising NY Connects must ensure and/or establish appropriate firewalls, business rules and documented consumer grievance procedures to mitigate potential conflicts that may arise in the provision of core functions.**

- 4.1. If the local administrative agency and partner entities (including Independent Living Center and/or Not-for-Profit CBO for Individuals with Physical Disabilities contracted by the State) specified in **Standard 1.1**. provide direct care services then such agency and partner entities may be included among the various service providers from which the individual may choose; however, the local administrative agency and partner entities comprising NY Connects are prohibited from exclusively self-referring or directing the individual's selection of provider (s). In such cases where there is more than one provider of a service in the geographic jurisdiction, a protocol or business rule must be established to assure objectivity and individual understanding of the providers available from which he or she may choose.
- 4.2. The local administrative agency may choose to subcontract with a not-for-profit or for-profit agency to assist with achieving program expectations. Subcontractors must not exclusively self-refer if they are a provider of direct services, or influence the individual's selection of a

service provider. This must be included expressly in any subcontracting agreement (s) and supporting subcontractor budget (s) issued by the local administrative agency and/or its partners.

## **Standard 5: Human Resource Management**

**The local administrative agency and local operating agency (if different from the local administrative agency) must provide human resource management to achieve continuity and consistency in the conduct of its functions related to NY Connects staffing by:**

- 5.1.** Maintaining an organizational structure that delineates NY Connects staffing and reporting relationships, including any subcontractors.

If NY Connects is part of a larger organization, the organizational structure must also delineate the NY Connects relationship within the larger organization.

If the NY Connects is a separate, independent entity, the organizational structure must be delineated.

A copy of the organizational chart, staffing and reporting relationships must be updated annually and provided to NYSOFA as oversight agency.

- 5.2.** Developing and maintaining a staffing plan that delineates the functions of each staff position, staff qualifications for each position, training requirements (inclusive of delivery of functions utilizing strength based and person-centered approaches), number of employees devoted to each function, and the percentage of time dedicated to the different responsibilities for each position.
- 5.3.** Maintaining qualified staff in sufficient number to implement NY Connects core functions in accordance with NY Connects State Program Standards, Standard Assurances and State NWD Operating Protocols, policies, procedures and business rules. The NY Connects program should strive to have employees who reflect the diversity of the community they serve.
- 5.4.** Maintaining written job descriptions for all staff, outlining programmatic responsibilities, supervisory responsibilities, and essential job functions.

## **Standard 6: Direct Service Staff Qualifications**

**The local NY Connects must ensure that all direct service staff providing NWD Screening, Information and Assistance, and Person-Centered Assistance/Options Counseling are proficient in the minimum competencies.**

- 6.1.** Minimum competencies for all NY Connects direct service staff include the following:

(i) Skills:

- a. Communication/interpersonal skills;
- b. Interviewing skills;
- c. Problem solving skills;
- d. Documentation skills; and
- e. Basic level of proficiency using computers and web-based systems.

(ii) The ability to:

- a. Assist the individual, caregiver and/or family member in completing online questionnaire, as requested, and consulting summary report results from completed online questionnaires when conducting the NWD Screen, if permission is given by the individual in accordance with **Standard 9.7**;
- b. Conduct the NWD Screen with an individual, caregiver and/or family member, over the phone or in-person, in order to obtain preliminary information about LTSS needs and possible programmatic and/or financial eligibility for various programs in compliance with **Standard 14**;
- c. Maintain electronic records of the NWD Screen accessible via secure link through the E-Health Commerce System and utilize communication features available within the software for follow-up with Specialized NWDs and other organizations, as appropriate;
- d. Use the language interpretative services tool or support mechanism in compliance with **Standard 10**;
- e. Provide appropriate information and linkages to programs and/or services that may be explored to meet those needs;
- f. Utilize a strength based, person-centered approach to support the individual's independence and self-determination;
- g. Work with diverse populations;
- h. Respond to the individual in a professional, non-judgmental and culturally appropriate manner;
- i. Respond to individuals requiring special attention and refer or assist appropriately (e.g., individuals with dementia; individuals with complex or hard to serve needs; lonely, demanding or angry individuals; suicidal individuals, individuals with differing cognitive abilities);

(iii) Knowledge of:

- a. All populations that may need LTSS in accordance with **Standard 8**;
- b. LTSS community resources and service eligibility criteria, including consumer/participant directed programs; and
- c. Ability to coordinate or provide linkage to appropriate applications and/or assessments for determining programmatic eligibility and to appropriate entities for determining financial eligibility for Medicaid and/or other public programs, and/or linkages to private pay services, as appropriate. Such coordination includes the ability to follow-up with the individual, the specialized NWDs, and/or other systems as appropriate;

**6.2.** Person-Centered Assistance/Options Counseling is more in-depth than NWD Screening and Information and Assistance. Not all individuals will need Person-Centered Assistance/Options Counseling. Person-Centered Assistance/Options Counseling is person-centered and the individual controls the planning process, which includes:

- (i) When and where meetings are held;
- (ii) Who is part of the planning meetings;
- (iii) The topics to be/not to be discussed;
- (iv) Selection of goals; and
- (v) Personal decisions about supports and services.

In addition to the minimum competencies expressed in **Standard 6.1**, Person-Centered Assistance/Options Counseling requires the ability to:

- (i) Facilitate a decision support process which empowers and assists individuals and their families with:
  - a. In-depth exploration of resources and service options (e.g., might include helping the individual to develop a list of tailored resources that the individual identifies as helpful to him/her);
  - b. Evaluating the pros/cons of specific options;
  - c. Assist individuals and families in determining how best to pay for and arrange the delivery of services, including helping individuals to assess sufficiency of their own resources, and their eligibility for public programs, including, if appropriate, Medicaid, Medicare, and Veterans benefits;
  - d. Develop action steps towards a goal or long term support plan:
    - 1. Immediate next steps to be taken in the decision-making process;
    - 2. Mix of informal supports, community resources, and privately funded services that the individual elects to use based on his/her individual preferences and needs;
    - 3. For those using a public option such as Medicaid, Medicare, and Veterans benefits, discussing eligibility and enrollment, and facilitating the process as needed;
  - e. Assist in applying for and accessing support options;
  - f. Provide follow up:
    - 1. Identify progress towards goals and steps in the action plan;
    - 2. Assistance in overcoming barriers to implementing the action plan; and
    - 3. Strategizing alternatives to help address any barriers, as needed.
  - g. Consult with Specialized NWDs, as appropriate, for more in-depth information on population-specific resources and eligibility determination procedures and linkages.

**6.3.** The NY Connects staff must participate in all State mandated trainings, as frequently as necessary to improve, refine and/or update staff skills. NY Connects must provide comprehensive cross agency orientation for all agencies involved in NY Connects. NY Connects is encouraged to provide trainings or other opportunities to meet the minimum competencies for direct service staff, as appropriate, and shall maintain a listing of staff trainings and in-services.

**6.4.** In accordance with **Standard 4: Conflict of Interest**, NY Connects must maintain an unbiased approach in providing objective information and guidance to sources of LTSS. All NY Connects staff, at their time of hire, must sign an Outside Employment and Conflict of Interest Disclosure Statement. (See Appendix A for sample.)

The Disclosure Statement shall declare that the applicant will reveal any current or future conflicts of interest by the applicant for the position, or their immediate family, whether by employment by or financial interest in entities to which the prospective employee may be called upon to refer NY Connects clients in the course of their duties. Such an interest may not necessarily disqualify an applicant from employment by NY Connects but failure to disclose such relationship currently in effect or to promptly disclose in the future if such relationship later arises will be cause for termination at the option of the employer. The requirement for prompt disclosure is a condition of employment. For purposes of the disclosure, the term immediate family shall mean the parents, spouse or children of an applicant.

### **Standard 7: Culturally and Linguistically Appropriate Services**

**NY Connects must ensure that all core functions are provided in a culturally and linguistically appropriate manner.**

- 7.1.** NY Connects must comply with federal, state and local laws, regulations, and issuances related to culturally and linguistically appropriate services including:
- (i) Executive Order 13166 (Improving Access to Services for Persons with Limited English Proficiency);
  - (ii) Article 15 of the New York State Executive Law (Human Rights Law);
  - (iii) New York State Elder Law and 9NYCRR Parts 6651 through 6656 (NYSOFA rules and regulations);
  - (iv) New York State Office for the Aging Equal Access to Services and Targeting Policy (12 PI 08).
- 7.2.** Individuals with special needs will be linked to appropriate services and those with limited English proficiency (LEP) will be provided reasonable, timely, and appropriate language assistance to ensure full access LTSS.

### **Standard 8: Populations Served**

**The NY Connects shall be available to serve all populations requiring information and assistance concerning LTSS, regardless of age, disability or source of payment. These individuals include:**

- (i) Older Adults (60 years and older);
- (ii) Adults with disabilities;
- (iii) Children with disabilities;
- (iv) Individuals with or who may have Alzheimer's Disease or other dementias;
- (v) Caregivers or families of above referenced populations;
- (vi) Professionals, including discharge planners, assisting individuals seeking LTSS;
- (vii) Friends, neighbors, others assisting individuals seeking LTSS.

## **B. OPERATIONS**

### **Standard 9: Business Practices**

**The NY Connects must adhere, at a minimum, to the following business practices:**

- 9.1.** NY Connects functions must minimally be available during generally accepted business hours and days, such as 9:00 AM to 5:00 PM or 8:30 AM to 4:30 PM, Monday through Friday.
- 9.2.** NY Connects must provide all core functions, in compliance with the NY Connects State Program Standards and State NWD Operating Protocols, at no cost to the individual.
- 9.3.** Individuals may access NY Connects through [www.nyconnects.ny.gov](http://www.nyconnects.ny.gov) , the State toll-free telephone number, or at the physical locations.
- 9.4.** As appropriate and necessary, NY Connects will provide off-site visits in the home or community to provide core function services. Should NY Connects determine the need for an off-site visit to provide screening, information and assistance, or other core function services then such off-site visits must be made within three business days of such determination. Except that, every effort will be made to accommodate requests for off-site visits to acute, sub-acute and chronic care settings within one business day if such visit is determined necessary upon consultation with the discharge planner.
  - (i) Factors to consider in determining the appropriateness of off-site/home visits include:
    - a. Determining if visiting the individual where he/she resides will provide the NY Connects staff with a more complete understanding of the individual's needs and preferences.
    - b. Determining that a face-to-face meeting would best meet the needs and preferences of the individual, caregiver or family rather than telephone discussion and the individual, caregiver or family does not have available transportation or supports to travel to a NY Connects program location or other sites where NY Connects program staff are located (e.g. satellite office, community site).
    - c. Determining the individual has special needs such as being homebound.
  - (ii) Factors to consider in prioritizing requests for off-site visits include:
    - a. Severity of the individual's LTSS needs and the availability of informal supports.
    - b. Recent discharge from acute care, sub-acute care, skilled nursing or rehabilitation facilities.
    - c. Requests from discharge planners or individuals expected to be discharged from acute care, sub-acute care, skilled nursing or rehabilitation facilities in need of community based LTSS.

- 9.5. The State will maintain a toll-free telephone number that will route callers to the appropriate NY Connects, or the Specialized NWD designated by OMH or Specialized NWD designated by OPWDD.
- 9.6. The NY Connects phone must be answered in such manner to indicate that the caller has reached NY Connects.
- 9.7. All phone calls must be answered by NY Connects staff during the hours of operation as delineated in the NY Connects policies as procedures in accordance with **Standard 9.1**. NY Connects must have a mechanism in place to answer the phone line after hours (i.e. answering machine or voicemail.) Phone and email messages received must be returned by the end of the following business day.
- 9.8. The State will provide public access to the 24/7 searchable LTSS Statewide NY Connects website ([www.nyconnects.ny.gov](http://www.nyconnects.ny.gov)). The public website will contain an online questionnaire that individuals, their caregivers, children and/or family members may utilize to see what LTSS may meet their needs, provide immediate information about those services and receive preliminary eligibility screening for public benefits that may be available.
- 9.9. The listings contained in the Statewide NY Connects Resource Directory are to be maintained in accordance with **Standard 12**.
- 9.10. Develop policies and procedures to implement NY Connects in accordance with **Standard 11**. Review and revise, as necessary, such program policies and procedures.
- 9.11. Protect the identities of individuals, their requests and the content of provided information and obtain informed consent to share information in compliance with **Standard 23**.

### **Standard 10: Accessibility**

**NY Connects must provide barrier-free access to its services that accommodates people with special needs and access for individuals who speak languages other than English.**

- 10.1. NY Connects must comply with federal, state and local laws, regulations, and issuances including, but not limited to, the Americans with Disabilities Act of 1990, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Older Americans Act, 45 CFR Part 1321, 45 CFR Part 84 (Nondiscrimination on the basis of Handicap), Executive Order 13166 (Improving Access to Services for Persons with Limited English Proficiency), Article 15 of the New York State Executive Law (Human Rights Law), New York State Elder Law and 9 NYCRR Parts 6651 through 6656, and New York State Office for the Aging Equal Access to Services and Targeting Policy (12-PI-08).
- 10.2. NY Connects must provide language accessibility for individuals with limited English proficiency (LEP). At a minimum, NY Connects must establish a telephonic interpretation service contract or similar community arrangement with a language interpretation services provider of their choice and ensure that all staff with public contact is aware of, and trained

in, the timely and appropriate use of these language services. NY Connects will be required to report to NYSOFA on the telephonic interpretation service it has established.

- 10.3.** NY Connects will assure communications with individuals with disabilities are as effective as communications with others (ADA, 28 CFR 35.160-35.164) including the provision of the following auxiliary aids and services:
- (i) Use of TTY/TDD (Text-Telephone device for the hearing impaired) to fully serve those who are deaf, hearing impaired, or have speech difficulties; and
  - (ii) Provision of Web accessible electronic (NY Connects Resource Directory, online questionnaire, etc.) information, large print materials, audio recordings and if requested, Braille materials, for individuals with vision impairments.
- 10.4.** All NY Connects locations are accessible to individuals with disabilities and new sites shall be free from architectural barriers that limit participation of individuals with disabilities.
- 10.5.** NY Connects must demonstrate the capacity either through existing resources (e.g. AAA, LDSS) or link to an appropriate partner/community agency, specific to the population to be served, to conduct off-site visits that will best accommodate the individual's needs in accordance with **Standard 10** and **Standard 9.4**. Examples of off-site settings include the individual's residence, outpatient setting, acute care facility, or any other setting.

### **Standard 11: Written Policies and Procedures**

**NY Connects must have written policies and procedures that comply with the NY Connects State Program Standards and State NWD Operating Protocols and consistent with existing law, rules and regulations. The written policies and procedures must clearly define how such program is operationalized in accordance with each of the NY Connects State Program Standards and State NWD Operating Protocols.**

- 11.1.** In addition, the written policies and procedures must include:
- (i) Handling of crisis situations and facilitating immediate intervention services;
  - (ii) Cross program communication among the local administrative agency and identified partners **in Standard 1.1**.
  - (iii) In order to promote the expanded role of NY Connects as a comprehensive resource for all LTSS populations, the local NY Connects must collaborate with its internal partners (AAA, LDSS, partnering ILCs) and Specialized NWDs to delineate the procedure to:
    - a. Identify individuals that may have LTSS needs, and
    - b. Seamlessly link them to NY Connects resources or Specialized NWDs as appropriate;
  - (iv) Communication methods and strategies for seamless linkages with other systems besides and among NY Connects partners and the Specialized NWDs. (e.g., Veterans. Adult Protective Services, Alcohol and Substance Abuse, Children's Services, Hospitals, Skilled Nursing Facilities, other critical pathways, 211/311, NY State of Health);

- (v) Consumer grievance procedures related to provision of core program components; and
- (vi) Organizational Chart and job descriptions for each discrete job type and core function.

**11.2.** The written policies and procedures are to be submitted to NYSOFA.

**11.3.** Any revisions made to the written policies and procedures must include the dates of revision and documentation by the NY Connects local administrative agency and operating agency (if applicable) of its approval. NYSOFA must be notified of this change in a timely manner and no less than annually.

## **Standard 12: NY Connects Resource Directory Listing**

**To provide access to the 24/7 informative, searchable Statewide NY Connects website ([www.nyconnects.ny.gov](http://www.nyconnects.ny.gov)) and to support core functions, NY Connects must maintain comprehensive and current resource listings of LTSS, programs and providers in the State's NY Connects Resource Directory website.**

**12.1.** The resource listing must interface or incorporate resource listings of all NY Connects Network Partners (NY Connects and Specialized NWDs) so consistent and comprehensive information can be shared across systems. All Network Partners (NY Connects and Specialized NWDs) will have accessibility to the back office application of the NY Connects Resource Directory to assist in maintaining accurate resource information.

**12.2.** The NY Connects Resource Directory must include the following elements in a standardized profile:

- (i) **MANDATED FIELDS:**
  - a. Agency name;
  - b. Agency address, including street, city, county and zip code;
  - c. Agency Phone number including Area code, TDD/TTY number;
  - d. Program/organization name (including former names, popular names and acronyms);
  - e. Program address, including street, city, county and zip code;
  - f. Program Phone number including Area code, TDD/TTY number;
  - g. Alliance of Information and Referral Systems (AIRS) Taxonomy Code
  - h. Services provided;
  - i. Geographic area served;
  - j. Target Population served, if applicable
  - k. Application process;
  - l. Website address;
  - m. Languages in which the service is provided;
  - n. Date information last verified.
  - o. Payment methods accepted: Medicaid and/or Medicare and/or Insurance/Network Information

(ii) RECOMMENDED FIELDS:

- a. Fax number;
- b. E-mail address;
- c. Documentation required for service;
- d. Additional Methods of payment accepted.
- e. Cost of service and Fee structure;

- 12.3.** Listings in State NY Connects Resource Directory the must comply with the NY Connects Inclusion/Exclusion policy (11-PI-19).
- 12.4.** Listings must be maintained according to the NY Connects Style Guide and conform to the Alliance of Information and Referral Systems (AIRS) Taxonomy of Human Services (11-PI-19) and Business Rules (11-PI-19) .
- 12.5.** Local NY Connects may grant providers access to enter and update their own listings. Local NY Connects remains responsible for reviewing new entries and revisions within its coverage area to check against the inclusion/exclusion policy (11-PI-19) and have posted, as appropriate, within 45 days of receipt of new or revised information. NYSOFA retains the ability to add, amend and delete information in the NY Connects Resource Directory.
- 12.6.** Listings in the Resource Directory must be reviewed by the NY Connects for accuracy and compliance with Inclusion/Exclusion criteria (11-PI-19) on at least an annual basis.

**Standard 13: Other Collaborative Relationships**

**The local NY Connects must seek to develop and maintain collaborative partnerships and linkages with, local LTSS providers, county government agencies, community based organizations, Medicaid Managed Care and Medicaid Managed Long Term Care Organizations, Medicaid Enrollment Brokers and the NY State of Health Exchange, and other appropriate entities in an effort to increase coordination of the service delivery system in order to improve and streamline consumer access to information and community services, maximize the utilization of existing resources and avoid duplication of effort.**

- 13.1.** The local NY Connects and collaborative partners will, as appropriate and necessary, establish written policies, procedures, protocols and/or agreements to achieve **Standard 13.**
- 13.2.** The local NY Connects are strongly encouraged to collaborate with 211/311 as necessary and to set forth their respective roles and responsibilities in the provision of information, referral and assistance through a Memorandum of Understanding, Memorandum of Agreement, or other appropriate agreement.

**II. NY CONNECTS CORE FUNCTIONS**

**A. SCREENING, INFORMATION AND ASSISTANCE AND BENEFITS APPLICATION ASSISTANCE**

## **Standard 14: Screening**

**NY Connects staff must, without regard to income or payor source, screen individuals utilizing the State-designated screening tool in order to preliminarily identify the following: individual and/or caregiver needs; resources, and available supports (e.g., caregiver, informal supports); possible financial/programmatic eligibility for Medicaid and other public benefits; and type of services and resources that may best meet the needs of the individual and/or caregiver.**

- 14.1.** NY Connects are required to use the most current State prescribed screening elements and enter results in the established data collection system until the new NWD Screen can be accessed through the E-Health Commerce System (HCS) portal. Once available and upon completing training, NY Connects are required to use the NWD Screen, communication features and data collection system.

## **Standard 15: Information and Assistance**

**NY Connects must provide information and assistance to individuals regardless of income or payor source about LTSS options, identifying or researching necessary services and providing additional support directly to the individual.**

- 15.1.** After the NWD screen is conducted, the individual will receive information and assistance to be linked to or guided and assisted with any or all of the following as appropriate: Medicaid and/or other public benefit applications; assessment(s); explanation of the types of services and resources that may be options for the individual and/or caregiver to consider in making an informed choice.
- 15.2.** In the provision of information and assistance, the NY Connects must support the individual's independence and self-determination.
- 15.3.** Objective, accurate information and assistance must be provided to the individual regarding available publicly and privately funded LTSS, as well as other community supports based on the individual's identified needs to assist them in making an informed choice.
- 15.4.** Information provided to the individual must include, but is not limited to, an explanation of available services and supports, program eligibility requirements, financial requirements for participation in programs, and provider/service contact information.
- 15.5.** Information regarding LTSS must be provided to individuals as indicated, or requested via website, mail, telephone, e-mail and/or in person. Such information must be mailed or transmitted to the individual within three business days after the request is received; except that in the case of a determination that a home or other off-site community location visit is needed it will be in accordance with **Standard 9.4**.
- 15.6.** Information will be provided, to the extent possible, at an eighth grade reading level and be jargon-free.

- 15.7.** The NY Connects staff shall instruct the individual to call back if the initial information and assistance provided proves to be incorrect, inappropriate or insufficient to link him or her with needed services.
- 15.8.** All personal information collected must be treated in a confidential manner and held in accordance with the appropriate privacy standards. Informed consent shall be obtained to authorize the sharing of any personal identifying information (PII) or personal health information (PHI) in accordance with **Standards 9 and 23**.
- 15.9.** Individuals with needs requiring the services or consultation of the OMH and/or OPWDD designated Specialized NWDs must be seamlessly connected to appropriate staff of the Specialized NWD. Alternately, the NY Connects staff will communicate with the Specialized NWDs to assist the individual if it is more appropriate to do so based on the individual's needs and preferences. The process to guide these functions is delineated in State NWD Operating Protocols.
- 15.10.** Individuals requiring additional assistance with accessing LTSS may require NY Connects to act as a link to appropriate community agencies/resources that have the skills and/or resources to provide a more intensive level of assistance (e.g. private case management).
- 15.11.** The NY Connects staff must make every effort to assist individuals for whom existing services are inadequate or unavailable in their community, by problem solving to locate alternative resources.

## **Standard 16: Application Assistance**

**The NY Connects must engage in activities to help streamline eligibility for Medicaid and other public benefits for those who may be eligible and provide application assistance as appropriate.**

- 16.1.** The NY Connects will assist individuals who may be eligible for Medicaid and/or other public benefits with applying for such programs and guiding them through the process as needed. This includes promoting the use of resources such as the myBenefits pre-screening website <https://www.mybenefits.ny.gov/> and NY State of Health website <http://www.healthbenefitexchange.ny.gov/>; explaining the application process and assisting the individual in submitting a completed application including all necessary documentation, following up on eligibility determination status and linking the individual to the appropriate entity for assessment if warranted.
- 16.2.** When appropriate, NY Connects will have a mechanism in place to link individuals to an entity or program that provides education, and support in the application and enrollment process for and Health Insurance Plans and the Medicaid Managed Care selection process such as NY State of Health In-Person Assistors (IPAs)/ Navigators, Enrollment Brokers, Community Assistance Counselors and other programs, such as the Health Insurance and Information Counseling Assistance Program (HIICAP), that assist Medicare beneficiaries.

- 16.3.** NY Connects staff must utilize the NWD Screen, accessible through the E-Health Commerce System, to preliminarily ascertain the likelihood of eligibility for public benefits and LTSS as well as communicate with the Specialized NWDs and designated enrollment brokers through the software.

## **B. OPTIONS COUNSELING**

### **Standard 17: Person-Centered Assistance/Options Counseling**

**NY Connects must offer Person-Centered Assistance/Options Counseling to individuals who require and/or request support and assistance with decision making regarding their current or future LTSS needs, without regard to age, income or payor source. NY Connects must help individuals and/or their families explore various options (both public and private), including exploration of self-directed options and caregiver supports, if available and appropriate.**

- 17.1.** NY Connects staff delivering Person-Centered Assistance/Options Counseling must meet the core competencies outlined in **Standard 6**.
- 17.2.** NY Connects staff providing Person-Centered Assistance/Options Counseling must attend any state mandated training prior to delivering this service.
- 17.3.** NY Connects must adhere to the Administration for Community Living's National Standards on Options Counseling.

## **C. CARE TRANSITIONS**

### **Standard 18: Care Transitions**

**To help facilitate safe transitions for individuals transitioning from one setting to another, NY Connects must maintain current and accurate information on available care transitions programs, provide information and assistance, and establish partnerships that support care transitions activity.**

- 18.1.** NY Connects staff will serve as an available resource to assist discharge planners and professional staff working in acute care, rehabilitative and other critical pathways with hospital or skilled nursing facility to home or least restrictive settings transitions.
- 18.2.** NY Connects staff will serve as an available resource to individuals, caregivers and families to assist in transitions from acute care or skilled nursing facility to home or least restrictive settings.
- 18.3.** NY Connects staff will become knowledgeable about the Preadmission Screening and Resident Review (PASRR) referral process for individuals with known or suspected mental illness (MI) or intellectual/developmental disability (ID/DD) and follow the protocol contained in the State NWD Operating Protocols. NY Connects staff will become knowledgeable about other assessment and transition processes and tools, including but not limited to the Patient

review Instrument (PRI) and Uniform Assessment System (UAS NY), to facilitate proper linkages as needed.

- 18.4. NY Connects staff are encouraged to help facilitate safe transitions via partnership in a formal care transitions programs such as the Care Transitions Intervention and other evidence based models.

## D. PUBLIC EDUCATION

### Standard 19: Public Education

**NY Connects must conduct an on-going education and awareness campaign about LTSS to educate all individuals, their caregivers, family members and helping professionals about NY Connects and its expanded role as a resource for information and assistance for all LTSS needs. This education and awareness campaign advertises the NWD system to help establish it as the “go to system” for community LTSS.**

- 19.1. NY Connects must establish and maintain an ongoing mechanism that increases public awareness of the availability of NY Connects and its core functions, its objectives, and its value to the community. This campaign needs to meet the needs of diverse populations, and include, but not limited to, such groups as: individuals who are Medicaid eligible, private pay, underserved, culturally diverse populations, limited English proficiency, and lesbian, gay, bisexual and transgender (LGBT).
- 19.2. Public education must include information regarding the range of LTSS, including resources and payors available to support those services.
- 19.3. NY Connects must provide education to the general community as well as targeted stakeholders who may serve as conduits to the LTSS system (e.g., LDSS staff interacting with individuals with LTSS (including behavioral health) needs, physicians, hospitals, social workers, adult protective staff, and law enforcement agencies) about the availability of NY Connects, how to access, and its expanded core functions that serve all LTSS populations.
- 19.4. NY Connects must provide educational materials that are culturally and linguistically sensitive, at a maximum eighth grade reading level, and can be accessed by individuals with special needs in accordance with **Standard 10**.
- 19.5. NY Connects shall submit to NYSOFA for review and approval, any newly developed program, public information materials or other printed or published materials developed or purchased with NY Connects funding.
- 19.6. The NY Connects educational campaign must be reviewed annually and periodically revised to reflect ongoing community needs over time, and must be reported to NYSOFA in a State-prescribed format and frequency.

## **E. LONG TERM CARE COUNCIL**

### **Standard 20: Long Term Care Council**

**A Long Term Care Council (LTCC) must exist in each county or AAA PSA to conduct LTSS system planning and development in order to ensure achievement of the goals and objectives of NY Connects. The LTCC must report their activities and recommendations to the NY Connects local administrative agency, which must report LTCC activities to the NYSOFA in the State prescribed format and frequency.**

- 20.1.** The local administrative and/or local operating agency will provide leadership, logistical and administrative support to the LTCC.
- 20.2.** The AAA Director, LDSS Commissioner, State Contracted ILC or Community Based Agency must be members of the LTCC.
- 20.3.** Representatives of the Specialized NWDs are invited to participate as members.
- 20.4.** The LTCC must meet a minimum of three times annually and at a frequency adequate to fulfill its responsibilities. The LTCC may choose to meet regionally with other LTCCs and in such cases one regional meeting may substitute for one of the three required meetings to occur annually.
- 20.5.** The LTCC must have governing policies in place that address recruitment, selection, membership criteria and attendance, meeting frequency and the process for documentation and follow up of meeting outcomes.
- 20.6.** The LTCC membership must represent the diversity of individuals from the populations in need of LTSS (e.g., underserved, culturally diverse populations, limited English proficiency, and various income levels). Membership should encompass providers of community based LTSS, residential settings, acute care and other critical pathways, advocacy groups, individuals utilizing LTSS, and caregivers. Such membership must represent all age groups (children, adult, older adult) and also represent individuals with physical, behavioral health and Intellectual Disability and/or Developmental Disability (ID/DD).
- 20.7.** In its advisory capacity, the LTCC has the following duties and responsibilities, at minimum:
  - Identify and analyze emerging community needs and gaps in the LTSS delivery system, service accessibility, capacity and availability, and develop strategies to respond to those needs in a timely and appropriate fashion;
  - Identify issues in the existing LTSS system and its capacity to provide access to a coordinated system of service delivery for individuals and/or caregivers and develop strategies to improve coordination;
  - Identify and solicit input from LTSS stakeholders regarding changes in the community environment (e.g., new resources or closing of providers), legislation, or regulations;
  - Review the LTSS delivery system by identifying entry points to the system and the manner by which populations in need of LTSS navigate or access services throughout the system;

- Serve, in its advisory capacity, as a catalyst to advance changes in the LTSS system when modifications are required to ensure the availability of appropriate and quality community services;
- Help identify existing and new LTSS resources in the county to be included in the statewide web-based NY Connects Resource Directory;
- Provide recommendations regarding the future development and growth of NY Connects, and suggest areas for improvement; and
- Promote the local NY Connects as the “go to system” for information on community based LTSS.

## **F. EVALUATION**

### **Standard 21: Performance, Evaluation, Quality Assurance and Continuous Improvement**

**The local administrative agency and local operating agency (if different) must ensure that a process exists for evaluating the NY Connects program. An evaluation plan must be submitted to NYSOFA during the first year of implementation and every two years thereafter. At a minimum, the evaluation plan must include the examination of measurable objectives, outcomes and existing or future state/federal requirements for consumer, program and systems level activities.**

- 21.1.** Quarterly reviews of evaluation plan to identify planned versus actual implementation activities and operation of required core functions with modifications made as necessary.
- 21.2.** Development of quality improvement plan and implementation strategy based on the reviews.
- 21.3.** Review of identified service and system gaps, issues, and emerging community needs as identified by the LTCC and consideration of strategies recommended for improvement.
- 21.4.** Implement NY Connects Program Satisfaction Survey Instrument annually **and** other standardized tools developed by the State as required.

## **G. DATA COLLECTION AND REPORTING**

### **Standard 22: Data Collection and Reporting**

**A process or system must be in place to collect and report required information on client data, as well as on processes and outcomes that are necessary to support the implementation and continued advancement of NY Connects.**

- 22.1.** NY Connects program must participate in a cost allocation process that will identify time spent assisting Non-Medicaid eligibles, potential Medicaid eligibles and Medicaid eligibles through time studies or other mechanisms for tracking time. This cost allocation process will allow programs to be reimbursed through appropriate funding streams, which includes Medicaid, if appropriate.

**22.2.** Quantitative (program utilization data) and Qualitative (program implementation and process data) data must be collected and reported per NYSOFA Program Instructions (PI). Such data includes:

- (i) Number of consumer contacts;
- (ii) Consumer demographics;
- (iii) Information Requested during the interaction,
- (iv) Information Provided during the interaction,
- (v) Types of Assistance provided by the NY Connects staff,
- (vi) Community planning activities;
- (vii) NY Connects program management;
- (viii) Activities undertaken to address community LTSS needs; and,
- (ix) Additional information as required by the State.

**22.3.** The NY Connects must provide reports on a schedule as specified by the State, including summary reports on programmatic and financial activities for the contract year, as specified in the annual Program Specific Assurances.

**22.4.** Personally Identifying Information (PII) collected must be maintained in accordance with **Standard 23.**

## **H. CONFIDENTIALITY AND DATA SHARING**

### **Standard 23: Confidentiality, HIPAA Compliance and Data Sharing**

**NY Connects must conform to Health Insurance Portability and Accountability Act (HIPAA) compliance and to confidentiality requirements; including provisions for the storage, retrieval, transfer, use, and ultimate disposal of records and data. Unless the NY Connects has a cooperative service delivery agreement, data sharing agreement or business associates agreement in which client records are shared, external entities having access to data must only see aggregate data.**

**23.1.** Protect the identities of individuals, their requests and the content of provided information in accordance with the following laws and regulations as they now exist or as may be amended from time to time:

- (i) NYS Social Services Law, §367-b(4)
- (ii) NYS Social Services Law, §369(4)
- (iii) NYS Public Health Law, §2782 – Confidentiality and Disclosure
- (iv) 18 NYCRR Part 357
- (v) 42 U.S.C. §1396a(a)(7) – State Plans for Medical Assistance
- (vi) The Health Insurance Portability and Accountability Act (HIPAA) and related regulations found at 45 C.F.R. Parts 160 and 164
- (vii) 42 C.F.R. Part 2
- (viii) 45 C.F.R. §1321.51
- (ix) All other confidentiality laws, regulations and requirements as may now be, or in the future may become, applicable.

**23.2.** Through the use of the Unified Assessment for New York (UAS-NY) platform accessible through the E-Health Commerce Portal, a HIPAA compliant system with the highest level of security available (trust level IV), NYS is seeking interoperability or interface among NY Connects NWD Network partners to securely share information from the NWD screen as well as services provided as needed and appropriate. Technological solutions, such as the UAS-NY, that are HIPAA and confidentiality compliant, will allow for the interface of client information to enable a seamless and timelier experience for potentially eligible Medicaid individuals/Medicaid recipients and other individuals and caregivers in need of LTSS. NY Connects will need to implement policies and procedures in accordance with HIPAA and confidentiality compliance:

- (i) Ensure the confidentiality, integrity, and availability of all electronic protected health information the covered entity creates, receives, maintains, or transmits.
- (ii) Protect electronic protected health information from unauthorized access, improper alteration or destruction.
- (iii) Any contracts or agreements among and between NY Connects partners comprising the NY Connects and with a business associate must provide that the business associate will implement administrative, physical, and technical safeguards that reasonably and appropriately protect the confidentiality, integrity, and availability of the electronic protected health information that it creates, receives, maintains, or transmits on behalf of the covered entity as required.
- (iv) Assign and maintain appropriate roles in the E-Health Commerce System to access and share confidential information captured by the NWD Screen and associated communications between NY Connects and Specialized NWDs.

**23.3.** When referring clients to another entity or agency for the purpose of obtaining services and supports for the client, the NY Connects staff must obtain clients' consent in order to share clients' personal health information (PHI) with any such entities or agencies. Such consent must be obtained on a form complying with HIPAA standards.

## APPENDIX A – Sample Disclosure Statement

The purpose of the NY Connects program as established under section 203(8) of the Elder Law is to provide consistent, comprehensive, locally based information on long term services and supports (LTSS) to individuals, caregivers and families to help them make educated choices. It is vital for the program's effectiveness, as directed by the Elder Law, to maintain an impartial and unbiased approach in its mission to connect older New Yorkers, their caregivers and their families with objective information and guidance to sources of assistance and care. Therefore, in order to safeguard the mission of NY Connects and maintain public trust and confidence in the program, all NY Connects staff providing Information and Assistance, at their time of hire, must sign an Outside Employment and Conflict of Interest Disclosure Statement. The Disclosure Statement shall declare that the applicant will reveal any current or future conflicts of interest by the applicant for the position, or their immediate family, whether by employment by or financial interest in entities to which the perspective employee may be called upon to refer NY Connects applicants in the course of their duties. Such an interest may not necessarily disqualify an applicant from employment at the NY Connects but failure to disclose such relationship currently in effect or to promptly disclose in the future if such relationship later arises will be cause for termination at the option of the employer. The requirement for prompt disclosure is a condition of employment. For purposes of the disclosure, the term immediate family shall mean the applicant's parents, spouse or children.

## APPENDIX A – Sample Disclosure Statement

### NY Connects Outside Employment and Conflict of Interest Disclosure Statement

The undersigned, hired for the position of \_\_\_\_\_

(Enter name of position)

for \_\_\_\_\_, a contractor for the

(Enter name of county and program name)

NY Connects program, understands that the purpose of the program as established under section 203(8) of the Elder Law is to provide consistent, comprehensive, and locally based information on long term services and supports to individuals, caregivers and families to help them make educated choices. It is vital for program effectiveness, as directed by the Elder Law, to maintain an impartial and unbiased approach in its mission to connect New Yorkers and their families with objective information and guidance to sources of assistance and care. Therefore, in order to safeguard the mission of the NY Connects program and maintain public trust and confidence in this program, I will disclose to my NY Connects superiors any current or future outside employment or conflicts of interest concerning my responsibilities under the program and any other entities in the community to which I may be called upon to refer NY Connects applicants. A conflict of interest includes any employment or monetary interest that I or any member of my immediate family may have in any other entities in the community to which I may be called upon to refer NY Connects applicants. Such an interest may not disqualify me from this employment under NY Connects but failure to disclose such relationship now or promptly in the future if such relationship later arises will be cause for termination at the option of my employer. I understand that this requirement for prompt disclosure is a condition of my employment. For purposes of this disclosure the term immediate family shall mean the applicant's parents, spouse or children.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date