

**NOTICE REGARDING THE STREAMLINING OF CRFP GRANT FUNDED PROJECTS FOR HEALTH INFORMATION TECHNOLOGY (HIT) PROJECTS THROUGH THE CERTIFICATE OF NEED (CON) PROCESS:**

Under the broad DSRIP regulatory waiver power, the Department has agreed to permit providers that have been awarded Capital Restructuring Financing Program (CRFP) grant funds for projects that are exclusively Health Information Technology (HIT) projects—those projects without any physical construction or alteration of clinical space that normally would require a Certificate of Need (CON), or a limited review application—prior review and approval to submit a Construction Notice for the project in lieu of the COM application. HIT projects that do include construction are still subject to CON application prior review and approval for the entire project, inclusive of the HIT project costs.

**INSTRUCTIONS FOR SUBMITTING A CONSTRUCTION NOTICE FOR CRFP-FUNDED HIT ONLY PROJECTS**

Instructions for Submitting a “Construction Notice for CRFP-funded HIT only projects” follow, and are for certified providers who have CRFP-awarded HIT projects subject to CON prior review and approval:

- 1) Access NYSE-CON through your provider's Health Commerce System (HCS) account. This requires a staff person or representative with both HCS access and a NYSE-CON submitter role. A link to the Department’s NYSE-CON webpage follows: <http://www.health.ny.gov/facilities/cons/nysecon/>
- 2) Select Create New Submission.
- 3) Select Notice - Construction and press Continue.
- 4) Select Non-Clinical Construction Projects and press Continue.
- 5) Select Infrastructure Projects and press Continue.
- 6) Select Other (Please Define) and press Continue.
- 7) Enter your provider identification data and select Search.
- 8) If the project submission was previously saved, select the project from the project list to complete submission. Else, select Create New Submission.
- 9) Define your project in concise fashion, noting that it is a “CRFP-funded HIT” project, then provide a more detailed description of your project in Submission Description.
- 10) Complete appropriate project identifying information in the fields provided and upload your project’s Patient Safety Plan.
- 11) Assuming no physical construction, upload an attestation of such in lieu of an architect’s/engineer’s certification.
- 12) Upload a completed CON Schedule 23 – Specific to All Projects Incorporating HIT. The form is found at [https://www.health.ny.gov/facilities/cons/more\\_information/schedules.htm](https://www.health.ny.gov/facilities/cons/more_information/schedules.htm)

13) When all required data elements are complete, and schedules have been uploaded, Submit your Notice

Lastly, and upon Project Completion, upload a Certification or Documentation of Completion to your Notice project.

For additional information on Construction Notices, please access:

[https://www.health.ny.gov/facilities/cons/construction\\_notices/](https://www.health.ny.gov/facilities/cons/construction_notices/)

Q: For IT projects, did I hear you say that awardees have to submit a notice and checklist that will support waiving the CON requirement?

Yes. Please refer to the instructions for submitting a “Construction Notice for CRFP-funded HIT only projects” item 12) Upload a completed CON Schedule 23 – Specific to All Projects Incorporating Health IT. The form is found at [http://www.health.ny.gov/facilities/cons/more\\_information/docs/sch\\_23.pdf](http://www.health.ny.gov/facilities/cons/more_information/docs/sch_23.pdf)

Q: For those of us with IT Projects, will the waiver form and IT checklist be sent directly to us or will these documents be made available on NYSE-CON?

Please refer to the above item 12) Upload a completed CON Schedule 23 – Specific to All Projects Incorporating Health IT. The form is found at [http://www.health.ny.gov/facilities/cons/more\\_information/docs/sch\\_23.pdf](http://www.health.ny.gov/facilities/cons/more_information/docs/sch_23.pdf)

Q: How do we submit a notice for a “pure” IT project for the NYSE-CON?

Yes. Please refer to the Instructions for Submitting a “Notice for CRFP-funded HIT only projects” above.

Q: Even if the IT Project is < \$6M and does not need a CON, do we still have to fill out the checklist?

HIT projects would ordinarily require an Administrative CON Review application if the capital costs exceed \$15 million or a Limited Review application if the capital costs are less than \$15 million. So a HIT project of less than \$6 million still ordinarily requires a Limited Review application. The limited permission to submit a Construction Notice in lieu of an application applies only to CRFP grant funded HIT only projects, regardless of cost.

Q: For IT Projects that have CON do we need to notify you?

If your submitted CON application has already been fully approved and the HIT project has not changed, a Notice filing is not required. If the CON application has not yet been approved, at your discretion, you may withdraw the application and submit at Notice for CRFP-funded HIT only projects instead.

Q: Is it too late or otherwise inappropriate for an IT project, which has requested an extension to file CON, to pursue a Notice per NYSE-CON instead of submitting the CON?

No, we strongly encourage CRFP awardees to submit, in a timely manner, the documents that are required for a given project. Please contact your contract manager in the GMB if additional direction is required. If applicable, please refer to the Instructions for submitting a "Construction Notice for CRFP-funded HIT only projects" above.

### **ADMINISTRATION**

Q: Will a video of the webinar be made available?

A: The presentation slide deck can be found in the CRFP webpage on the DSRIP website at [http://www.health.ny.gov/health\\_care/medicaid/redesign/dsrip/capital\\_restructuring\\_financing\\_program.htm](http://www.health.ny.gov/health_care/medicaid/redesign/dsrip/capital_restructuring_financing_program.htm) as well as in the DSRIP Digital Library in the "Webinar and Presentations" section in the "Capital Restructuring Financing Program" subfolder.

Q: My understanding is that the MWBE 30% is a goal and a good faith attempt is required not necessarily an adherence.

A: The 30% Minority and Women-Owned Business Enterprise is a requirement and you attested to meeting these goals in your application. Your Grants Management Bureau contract manager can direct you to the Department's MWBE unit which can assist you to identify qualified businesses in your area.

Q: Is there are specific format for submission of information regarding modifications to the CRFP application?

A: Your Grants Management Bureau contract manager will discuss with you how best to present information about your proposed modification. Typically, this will require you provide, in a side-by-side table, those project remaining the same versus those you want to change. You will also be required to prepare a side by side comparison showing how the change would impact the awarded budget. Finally, you must describe why the change is necessary.

Q: For the "68 Still Need to File a CON Application" Can you let the Awardees know directly if they have to file?

A: Those who need to file a CON or ask for an extension will be contacted by their Grants Management Bureau contract managers.

Q: Do you have a list of the 59 applications cleared by DASNY?

A: The clearance process is fluid. If you have questions regarding your project status check with your contract manager in the Grants Management Bureau. Questions may also be directed to:

[CRFPgrants@health.ny.gov](mailto:CRFPgrants@health.ny.gov)

Q: Unfortunately, I had not seen the emails concerning the August 31 deadline for CON extension requests. I just sent in an email requesting an extension. Are you entertaining these requests?

A: CON extension requests may be submitted. Requested CON extensions beyond 12/31/16 require PPS approval. Requests for CON extensions up to and including 12/31/16 will be approved and do not require PPS consent. Submit requests for CON extensions to [CRFP@health.ny.gov](mailto:CRFP@health.ny.gov) with a copy to your Grants Management Bureau contract manager.

Q: Did Jen mention a previous webinar specifically focused on Integrated Service Providers? If possible, please share when this happened and how I can find a recording of that webinar.

A: Integrated Services webinars and FAQ's can be found on the Department's website under the Integrated Services Heading at:

[http://www.health.ny.gov/health\\_care/medicaid/redesign/dsrip/webinars\\_presentations.htm](http://www.health.ny.gov/health_care/medicaid/redesign/dsrip/webinars_presentations.htm)

Q: I understand we will be managing the contract requirements through Grants Gateway - will there be a training offered on using Grants Gateway?

A: There is a link on the Grants Gateway grantee page that provides user training:

[https://grantsgateway.ny.gov/IntelliGrants\\_NYSGG/login2.aspx?APPTHEME=NYSGG\\_DOH](https://grantsgateway.ny.gov/IntelliGrants_NYSGG/login2.aspx?APPTHEME=NYSGG_DOH)

Q: IT projects only need a CON if it's over \$6M, correct?

A: The Department has decided to grant a blanket DSRIP waiver such that CRFP-funded HIT-only projects will not be required to submit a CON or Limited Review Application. However, if the project includes more than HIT, it will require an Administrative Review CON application.

Q: Have any projects dropped out? If so, how will a project which did not receive funding but is next in line below the approved projects be addressed?

A: No CRFP awarded projects have dropped out at this time. The clearance process is fluid. If funds become available due to withdrawal of a project or if the project cannot complete the contract phase, or due to other circumstances funding will first flow to those projects that were only partially funded due

to the limited appropriation. When these project(s) is/are fully funded the next-in-line project by rank will be funded.

Q: Is there a list of all webinars provided so far re: the CRFP awards? Would it be possible to include links to all related webinars in the Monday email?

A: The presentation slide deck can be found in the CRFP webpage on the DSRIP website at [http://www.health.ny.gov/health\\_care/medicaid/redesign/dsrip/capital\\_restructuring\\_financing\\_program.htm](http://www.health.ny.gov/health_care/medicaid/redesign/dsrip/capital_restructuring_financing_program.htm) as well as in the DSRIP Digital Library in the “Webinar and Presentations” section in the “Capital Restructuring Financing Program” subfolder.

### **CONs**

Q: You mentioned the PPS has to sign the request for the CON extension beyond 12/31/16. Does this mean the PPS lead (in our case, New York-Presbyterian) needs to sign on behalf of its members' CRFP projects?

A: Yes, requested CON extensions beyond 12/31/16 require PPS approval. Requests for up to and including 12/31/16 will be approved by the Department and do not require PPS consent. Submit requests for CON extensions to [CRFP@health.ny.gov](mailto:CRFP@health.ny.gov)

Q: Will a CON be accepted in lieu of a PAR?

A: It is up to OMH to determine if a Prior Approval Review, PAR is required. Behavioral health-related project awardees, in particular, should pay close attention to whether a Comprehensive Application for a PAR is required. Additional information may be found on line: <https://www.omh.ny.gov/omhweb/par/application.html>

Q: In the event that a CON has been submitted but deemed incomplete due to timing related to acquisition of architectural/engineering services ought the grantee to withdraw the application and request an extension?

A: An extension to file a CON should be requested if all the CON-required material is not available at the time of CON submission. Therefore, if the CON has been submitted but deemed incomplete and the outstanding material cannot be submitted within a week the application should be withdrawn until such time the material is available.

Q: I was approved for an extension until 12/31/16, however I will need an additional extension. Am I supposed to contact the PPS and ask them to grant a further extension?

A: Yes, requested CON extensions beyond 12/31/16 require PPS approval. Requests for up to and including 12/31/16 will be approved by the Department and do not require PPS consent. Submit requests for CON extensions including the documentation displaying PPS approval to [CRFP@health.ny.gov](mailto:CRFP@health.ny.gov)

Q: Can you clarify a point that was just made....do we understand correctly that DOH will seek PPS approval for changes? The way it was stated earlier in the webinar it sounded like it was the partner's responsibility to seek PPS approval. Thank you.

A: The Grants Management Bureau will contact your PPS for their concurrence with any modifications an awardee proposes to the project as it was described in the CRFP application. The Department must also review and approve any proposed CRFP project modification.

Q: Is it the PPS's responsibility to oversee that PPS Partners have submitted a CON for their projects?

A: Although the Department encourages PPSs to check in with their members regarding the status of the CONs for their projects as in their best interest to the PPS, CRFP awardees are responsible for compliance on all contract issues. Please contact your Grants Management Bureau (GMB) contract manager with any questions or concerns regarding compliance. The GMB may be reached at [CRFPgrants@health.ny.gov](mailto:CRFPgrants@health.ny.gov)

Q: Please elaborate on PPS-Lead responsibilities. Who initiates actions required of PPS-Leads & how does it work: 1) sign member's request for CON extension exceeding 12/31/16; 2) Approve member's request for CRFP project scope &/or location change.

A: Awardees are responsible for compliance on all contract issues. The PPS has to approve any CON extension requests beyond 12/31/16, or any modification including change of project locations. The awardee is responsible for obtaining and submitting PPS approval. Please contact your Grants Management Bureau contract manager with any questions or concerns regarding compliance. The GMB may be reached at [CRFPgrants@health.ny.gov](mailto:CRFPgrants@health.ny.gov)

Q: Also, what is the time frame for CON approval, if an extension is requested, let's say if the extension is for October 30?

A: The Department has committed to expediting CRFP-related CONs and Limited Review Applications, or LRAs, to the extent possible. However, each application is unique and therefore it is not possible to indicate the approval time frame.

Q: If your request for an extension to file the CON has been approved but find that you need additional time to file before 12/31/16, must the second extension request be approved by the PPS?

A: Requested CON extensions beyond 12/31/16 require PPS approval. Requests for up to and including 12/31/16 will be approved and do not require PPS consent. Submit requests for CON extensions including the documentation displaying PPS approval to [CRFP@health.ny.gov](mailto:CRFP@health.ny.gov)

Q: Can you please email instructions on how to submit the forms for the CON on the IT projects?

A: Please refer to the Instructions for Submitting a “Construction Notice for CRFP-funded HIT only projects” above.

Q: When you referred to regulations for Article 28s in the last few slides, are you referring to Article 28s (excluding hospitals)? We are an article 28 hospital so could fall under either guideline as its written (as far as being able to share space).

A: Hospitals and Hospital extension clinics are licensed and certified under Article 28 of Public Health Law. However, they are federally designated providers and may only co-locate with other providers if space is leased for “24/7” use. Based on federal policy, Hospital and Hospital extensions may not share physical space.

Q Is the IT projects CON exemption only for PPS sponsored projects?

A: Only CRFP grant awardees submitting exclusively-HIT related projects will receive CON requirement exemptions.

Q: We previously submitted a CON extension request that did not have sign off by the PPS. However we will now be submitting the IT waiver. Do we still need to have the PPS approve the pending CON extension request?

A. IF you have an HIT only CRFP project and therefore qualify to file a Construction Notice in lieu of a CON, no CON extension request is required. The Construction Notice should be submitted following the instructions posted above on or before 12/31/16. Please contact your GMB project manager to inform of this change.

Q: Is it too late or otherwise inappropriate for an IT project, which has requested an extension to file CON, to pursue a Notice per NYSE-CON instead of submitting the CON?

A: No, projects exclusively HIT-related need only file the IT request/checklist. Filing should be completed as soon as possible.

## **CONTRACTS**

Q: What is the process for reporting CRFP matching funds? Are there forms for this and when will they be available?

A: There is no special form for reporting the expenditure of matching funds. Your contract manager in the Grants Management Bureau will work with you as you submit claims for CRFP grant fund reimbursements. The documentation to support such claims will need to indicate whether each

expenditure was split on a percentage basis between grant and matching funds, or whether it should be fully grant fund reimbursed, or whether it should be fully credited as match.

Q: For shared space waivers - Is it correct that this doesn't apply if the Mental Health and Primary Care providers are employed by the same agency (the owner of the space)?

A: Correct. A mental health provider and primary care provider employed by the same agency would fall under the regulatory oversight of its parent organization. This organization may pursue integration models and approaches for a single provider such as licensure thresholds, DSRIP Project 3.a.i. Thresholds, Integrated Outpatient Services, or attain multiple licenses. Details on integration models for single providers can be found on the Department's website at [http://www.health.ny.gov/health\\_care/medicaid/redesign/dsrip/webinars\\_presentations.htm](http://www.health.ny.gov/health_care/medicaid/redesign/dsrip/webinars_presentations.htm)

Q: Co Location - Does this mean that a patient cannot check in at a single reception desk (with a single person) for separate providers within a medical village? What about security, environmental staff and care management call center...?

A: For federally designated providers, CMS has indicated shared waiting rooms is not generally allowed. CMS will consider shared waiting rooms with separate intake desks for FQHCs on a case-by-case basis. Non-federally designated providers may share receptionist provided patient privacy is protected, there is clear signage, and the patient is aware of who is providing their care.

Q: If you do not require a CON of any type, what are the next steps if you have met all other requirements?

A: The Grants Management Bureau contract manager assigned to your award will submit a draft work plan and budget through Grants Gateway for your review. An email will notify you when this has occurred. You can either agree with the documents as drafted or make suggested revisions. Your contract manager will work back and forth with you until the contract articulates your concerns while adhering to all CRFP and other contract legal requirements. The final draft will be sent through Grants Gateway for your signature and then it will move on to the State Attorney General for review and to the Office of the State Comptroller for final approval.

Q: Has the quarterly reporting, expenditure reports, documentation for expenditure, etc. requirements been developed?

A: Your Grants Management Bureau contract manager will send you these forms once your contract has been approved by the State Comptroller.

Q: Please share more information about the Regulatory Waiver & Project Tracking Tool.



A: As detailed in the August 8 PPS Announcements and updates, the Regulatory Waiver & Project Tracking Tool and the recording from the August 3, 2016 webinar can be found in the Digital Library. The specific Regulatory Waiver and Project Tracking Tool for each PPS is located within the Regulatory Waiver subfolder within your Digital Library. The instructions for how to use this tracking tool are located within the bottom left tab of the tool, along with definitions of each column and then the specific provider type category tabs follow to the right. Each PPS' provider network is loaded in the background drop down for each provider category tab and there is a missing provider tab scrolling all the way to the left bottom tab for those provider sites that cannot be found in the drop downs.

Q: Regarding the work plan and budget - since the department staff is doing this, how specific will they be? Will they be working with the grantees to make sure it reflects what is necessary, before the draft contract is issued?

A: The first draft of your contract will be based on the information you submitted in your CRFP application. If the Dormitory Authority of the State of New York (DASNY)'s bond review indicated that certain costs were not grant-eligible, those changes will be incorporated into the first draft, as will any approved project modifications.

The Grants Management Bureau contract manager assigned to your award will submit a draft work plan and budget through Grants Gateway for your review. An email will notify you when this has occurred. You can either agree with the documents as drafted or make suggested revisions. Your contract manager will work with you until the contract articulates your concerns while adhering to all CRFP and other contract legal requirements. The final draft will be sent through Grants Gateway for your signature and then it will move on to the State Attorney General for review and to the Office of the State Comptroller for final approval.

Q: When will the quarterly reporting templates be made available? For example, for prior grants (i.e. HEAL 10), we were provided with a Budget Milestone Detail template, which reflected milestones & budget, to submit with each of our quarterly reports.

A: Your Grants Management Bureau contract manager will send you these forms once your contract has been approved by the State Comptroller.

Q: So is the matching to be recorded and submitted on the payment claims forms along with documentation?

A: There is no special form for reporting the expenditure of matching funds. Your contract manager will work with you as you submit claims for CRFP grant fund reimbursements. The documentation to support such claims will need to indicate whether each expenditure was split on a percentage basis between grant and matching funds, or whether it should be fully grant fund reimbursed, or whether it should be fully credited as match.

Q: Can a hosp/hosp ext clinic providing primary care co-located in an article 31 mh clinic on a part-time basis - less than 24/7?

A: Federally designated hospitals and hospital extension clinics can only co-locate with an Article 31 provider on a "24/7" basis. Hospitals and hospital extension clinics may not share space with article 31 provider.

Q: Our project has been modified and the budget has been reduced. What happens to awarded funds that we do not now expect to spend?

A: CRFP funds that are no longer going to be incurred as project expenditures are not available for other costs not explicitly expressed in your original application. They will remain as "unclaimed" on your contract.

Q: We have not heard of the contract tracking tool - what is this about? Is it MWBE reporting?

A: Contract status questions should be directed to the project's Grants Management Bureau contract manager and/or [CRFPgrants@health.ny.gov](mailto:CRFPgrants@health.ny.gov)

Q: For IT Projects, is it necessary to submit copies of PO, invoices, checks, etc.?

A: Your Grants Management Bureau contract manager will discuss with you, individually, what is the level of required documentation needed to support your claimed CRFP grant expenses. It is recommended that you save all such order and payment documents and have them available to submit to either the Department of Health, or possibly upon audit by the State Comptroller.

Q: The Notice says Construction or Transfer of ownership - that is all the selection there is?

A: Please refer to the Instructions for Submitting a "Construction Notice for CRFP-funded HIT only projects" above.

Q: You mentioned the contracts will be delivered via Grants Gateway. Do you know what "role" will be notified? I have 2 roles in Grants Gateway - Grantee Administrator & Grants Payments.

A: Your Grants Management Bureau contract manager will email you to advise you when your draft contract has been entered into Grants Gateway and clarify which "role" you need to exercise to review and eventually sign the contract.

Q: If one of the CON (applications) involves a Joint Venture relationship, and the entity relies on collaborating with the JV for the governance and operation of the dialysis clinic- how would DOH view this relationship and its governance?

A: Questions uniquely specific to a CON project should be directed to the Bureau of Project Management at: [cons@health.ny.gov](mailto:cons@health.ny.gov)

Q: Who is considered the PPS contact person? How do we find who is receiving CRFP emails re: these awards?

A: Contact the Grants Management Bureau directly or at [CRFPgrants@health.ny.gov](mailto:CRFPgrants@health.ny.gov) The project's contract manager will assist with status related questions.

Q: What is the process for DSRIP goal reporting?

A: DSRIP goal reporting is done by the PPS through the quarterly reports where PPS report on project milestones including the speed and scale/the actively engaged targets.