



**Department
of Health**

**Medicaid
Redesign Team**

PPS NewCo VAP Exception Process

Process and requirements for PPS Lead Entity forming a NewCo

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Checklist of requirements for a PPS Lead Entity forming a NewCo

- If any of the Safety Net Members of a proposed NewCo PPS Lead Entity is for profit, then the NewCo must incorporate as a Not-for-Profit Corporation
- If entirely owned by Not-for-Profit entities, the proposed NewCo PPS Lead Entity may incorporate as an LLC
- The LLC Operating Agreement will describe the LLC Members, and Managers will be defined as those individuals serving on the Governing Board of the Company

Checklist Continued:

- ❑ All LLC Members of a PPS Lead Entity NewCo must be Safety Net
- ❑ If incorporated as an LLC, language that upholds the following requirements must be included in the LLC Operating Agreement:
 - The LLC will be operated with the principles of a tax-exempt and “non-profit” manner
 - LLC Members must all be Safety Net entities
 - The Operating Agreement must have Reserved Powers for the LLC Members that include determining DSRIP funds flow methodology for the PPS (i.e., how DSRIP funds will flow and methodology for determining relative distribution to downstream providers)
 - Funds flow must be controlled by the LLC Safety Net Members, maintaining the restriction of 5% directly to non-Safety Net providers

Checklist Continued:

- ❑ *Note:* Non-Safety Net members may be on the PPS's Board of Managers in addition to the Managers appointed by the LLC Members
- ❑ The requirements on the previous slides should be addressed in the NewCo VAP Exception Form narrative, along with appropriate supporting documentation attached in PDF format
- ❑ These will be submitted to DOH (and by DOH to CMS) so that the NewCo can be approved as a PPS Lead

Step 1: NewCo Vital Access Provider Exception Form

NewCo Vital Access Provider Exception Form



State of New York Department of Health
 Delivery System Reform Incentive Payment (DSRIP) Program
 Vital Access Provider Exception Form

Vital Access Provider Exception: The state will consider exceptions to the safety net definition on a case-by-case basis if it is deemed in the best interest of Medicaid members. Any exceptions that are considered must be approved by CMS and must be posted for public comment 30 days prior to application approval. Three allowed reasons for granting an exception are shown in Section IV.

I. Are you a Medicaid Provider

Answer

You have chosen the following VAP Exception:

II. Appeal Applicant Information

Organization Name:
 Joined PPS:

^^ The VAP Exception is evaluated in the context of the PPS you are joining. If you are joining more than one PPS, you have the option of applying for the VAP Exception in that PPS as well (if applicable). Please see the "VII_Additional PPSs" tab to select multiple PPS's. See Section II and VII of the instructions for further clarification!

Provider Type:

Provider Type - Other:

Operating Certificate/License #	MMIS*	NPI*	
Unique Identifiers:			
Agency Code:			
Billing Entity ID:			
Address	City	State	Zip
Address			

* REQUIRED

III. Appeal Point of Contact

Contact Person			
Title			
Contact Phone	Extension		
Contact Email			

IV. Please choose the following VAP Exception:

i A community will not be served without granting the exception because no other eligible provider is willing or capable

VI. Restricted to 3500 Characters only! - Please read instructions for clarification!

~ The VAP Exception relies heavily on the statement you provide, so please be concise and thorough~

You chose the qualification i, in the space below please include:

- A specific definition of the community (ies) that would otherwise not be served by the selected PPS. Be sure to include descriptions of the geographic area, the population, and how the services in this community are insufficient without your organization's involvement given the PPS current configuration of network providers.
- A description of the applicant's organization, the services provided, and how the services will enhance the network of services for the PPS in this community (ies).
- Any supporting documentation to substantiate your narrative (attach as PDF in the email when submitting)

Character Count: 0

Step 1a: NewCo VAP Exception Form

- The PPS should contact its Account Support Team (AST) relationship lead and advise him/her the PPS would like to form a NewCo Lead Entity.
- DOH will provide the “*Vital Access Provider Exception Form*” (“NewCo”)
- The PPS must complete the “*VAP Exception Form*” and include:
 - The NewCo’s proposed governance structure
 - How this governance is consistent with the governance structure described in the PPS’s DSRIP application
 - A document explaining why the PPS would like to form a NewCo and why this is vital to its operations in DSRIP

Step 1a Continued:

- Supporting documentation may be provided as a separate PDF attachment
- Examples of submitted and approved NewCo VAP Exceptions can be found on the DSRIP website:
http://www.health.ny.gov/health_care/medicaid/redesign/dsrip/safety_net/safety_net_determinations.htm
- The PPS should submit this form and supporting documentation to DOH DSRIP Team: dsrip@health.ny.gov
- Call 518-486-1042 with questions.

Step 1b: NewCo VAP Exception Form

- Upon review and a 30-day comment period, DOH will submit the documentation to CMS
 - DOH will notify the PPS once CMS decides on its VAP Exception request

Note: As long as the PPS remains a lead entity within the NewCo, there is no need for a new Financial Stability Test

- The organization name submitted with the NewCo VAP Exception Form is the name the PPS wishes the NewCo Lead to be officially recognized as by DOH
 - This same name is used in all subsequent steps and applications required for this process (unless DOH receives official documentation showing a DBA or name change)

Step 2: Substitute W-9 Form & Grants Gateway

- Once the NewCo is approved, DOH will send the PPS a Substitute W-9 form to complete
- The PPS submits the completed Substitute W-9 to dsrip@health.ny.gov for tracking and expedited processing. This process can take up to 1 week
- The PPS will receive a Vendor ID # (see Steps 3 & 4)
- *DOH strongly suggests that the PPS prequalify its NewCo in the NYS Grants Gateway as a safety-net in the DSRIP program.* Prequalification is a system that will allow not-for-profits to complete many of the administrative tasks that are included in applying for grants prior to the actual grant application process. In this way, any deficiencies or gaps in the materials will be identified early on so they can be corrected quickly before the entity submits under an RFA.

Step 3: Enroll as Medicaid Provider

- With its Vendor ID #, the NewCo *must* enroll as a Medicaid provider to receive the DSRIP funding; DOH will send the PPS the enrollment link
- As part of the Medicaid enrollment process, the NewCo must attest to having a Medicaid Compliance Program in place:
<https://www.omig.ny.gov/compliance/certification>
(NYS Social Services Law Section 363-d and 18 NYCRR Part 521, subject to OMIG audit)
- If the NewCo cannot attest to having the compliance program in place at the time of enrollment application, the NewCo will not be issued an MMIS ID # until the compliance program attestation is satisfied

Step 3 Continued:

- The PPS completes the Medicaid Enrollment application and submits it to the Department with the required fee (\$560 at this time) to:

Attn: EmedNY

Post Office Box 4603

Rensselaer, New York 12144-4603

- The PPS will receive an approval letter from the Provider Enrollment unit

Note: Once this step is completed, the NewCo is formally recognized as the PPS Lead Entity.

Step 4: Enroll in ePay

- With its Vendor ID # and MMIS ID #, the NewCo can manage its Statewide Financial System account from the Office of the State Comptroller's website: http://www.osc.state.ny.us/vendor_management/index.htm
- The NewCo Lead Entity must enroll in ePay: <http://www.osc.state.ny.us/epay/>

Step 5: Update DUA/DEAA

- The NewCo PPS Lead must update its Data Use Affidavit (DUA) (formerly known as Data Exchange Application & Agreement (DEAA)) by contacting the Division of Systems, Security and Privacy Bureau mailbox at doh.sm.Medicaid.Data.Exchange@health.ny.gov with cc to: dsrip@health.ny.gov
- For data sharing purposes, the NewCo will update its DUA in order to recognize those organizations that comprise the NewCo as Co-Lead entities
- Only those organizations named within the NewCo VAP Exception Form will be considered eligible to serve as Co-Leads of the PPS
- DUA paperwork will be issued to the PPS via the Security and Privacy Bureau mailbox
- DUA paperwork must be signed by the NewCo's Chief Information Security Officer and returned to the Security and Privacy Bureau
- ***Data Sharing procedures will not be amended from the DUA signed by the original PPS Lead Entity until completion of this step***

Step 6: HCS Account & MAPP Access

- After the NewCo's DUA has been updated, the NewCo may create an Health Commerce System (HCS) account for its Entity
- Email dsrip@health.ny.gov to make this request
 - Include the HCS Director and Coordinator Roles
- http://www.health.ny.gov/health_care/medicaid/redesign/docs/dsrip_hcs_account_request_form.pdf
- DOH will notify the PPS when this process is complete
- The HCS Coordinator established for the NewCo will need to reassign any current MAPP users that should be associated with the NewCo Entity

Step 7: DOH Formalizes Payment Process for NewCo PPS Lead

- This is completed internally by DOH, with no additional action required by the NewCo PPS Lead
- After Step 3 is complete, appropriate parties at DOH will be informed of:
 - The NewCo PPS Lead Entity's name
 - The Vendor ID #
 - The MMIS ID #to complete this process

Questions?

DSRIP e-mail: dsrip@health.ny.gov