



Department  
of Health

# Assisted Living Programs' Opportunity for American Rescue Plan Act Funding

Presented by the Office of Aging and Long-Term Care

# Webinar Logistics

This webinar is intended for Assisted Living Programs potentially eligible for the American Rescue Plan Act (ARPA) funding through the Department's State Plan Amendment, if the funding is approved by the Centers for Medicare and Medicaid Services (CMS).

- Email all questions to [ALP\\_ARPA@health.ny.gov](mailto:ALP_ARPA@health.ny.gov). Answers provided for pre-submitted questions during this webinar may not be the complete and final answer.
- Questions and Answers will be shared following the webinar.

# ARPA Team Presenters



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# Agenda



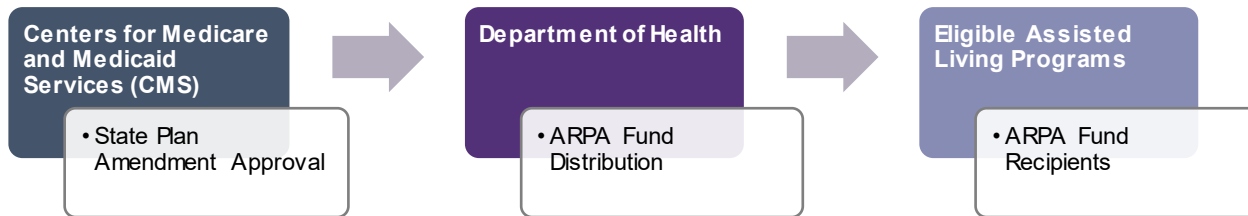
ARPA 9817 – Eligibility, Responsibilities,  
Funding, Requirements



Address pre-submitted questions

# ARPA 9817 – Eligibility, Responsibilities, Funding, & Requirements

# Key Partners



This process and funding will follow the approved State Plan Amendment (SPA) 23-0064. New York State has not yet received approval from CMS. Please keep in mind that this opportunity is contingent upon approval and delays in attaining this approval may delay the release of funds.

# State Plan Amendment Funding Process

Assisted Living Programs complete their attestations, spending plans and surveys to determine eligibility

The New York State Department of Health reviews attestations, confirms eligibility

The New York State Department of Health notifies Assisted Living Programs of fund amounts and loads awards

Assisted Living Programs receive funds

Assisted Living Programs will respond through surveys and/or documentation upload quarterly to evaluate funding impact and spend down

# Eligible Assisted Living Programs

Eligible Assisted Living Programs are those that are:

- ☑ Open; and
  - ☑ Hold a valid, current operating certificate as an Assisted Living Program; and
  - ☑ Have appropriate staff per [18 NYCRR Part 494](#); and
  - ☑ Actively working toward or confirm their compliance to the Home and Community Based Settings (HCBS) Final Rule as stated in the HCBS Final Rule Statewide Transition Plan, and
  - ☑ Compliant with programmatic regulations including but not limited to 18 NYCRR Part 494.
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- Open Assisted Living Programs are those with the appropriate staff and are licensed and actively providing Assisted Living Program services.
    - In accordance with the SPA23-0064, eligible Assisted Living Programs must have been open by June 1, 2023 and be actively providing services.
  - Assisted Living Programs must submit an attestation of their intended use of funds and confirm funding will not be used for capital investments.



# Ineligible Assisted Living Programs

- Assisted Living Programs that do not have staff per [18 NYCRR Part 494](#) Assisted Living Program and are not providing medical model Adult Day Health Care Services.
- Assisted Living Programs that were not open and providing services by **June 1, 2023**.
- Assisted Living Programs that fail to confirm that funds will not be used for capital investments.
  - Assisted Living Programs may not use funds to buy or pay for physical improvements such as transportation vans, medical or office equipment, etc.
    - These may also be referred to as physical plant capital improvements which are not allowable.
- Any false claims or unapproved use of funds are strictly prohibited and will result in becoming disqualified for any further funds under this program as well as civil or criminal fines and/or prosecution under applicable federal and state laws.

# Investment Categories



Awards must be used and spent for at least one of the following areas:

Workforce retention strategies.

Development, implementation, and promotion of training programs for staff.

Recruit and retain a racially and ethnically diverse and culturally competent workforce.

# Budget Considerations

- Assisted Living Programs may use their awards to fund recruitment, retention, and training for medical and support staff that provide services at the Assisted Living Program.
- Funding cannot be used to pay for current wage levels for any employees or salary increases for administrative staff, managers, and executive staff.
- Funding cannot be used to supplant current or already planned expenses.
- Sites that fail to expend funds, or expend funds on non-approved uses, will be ineligible for future awards and/or subject to recoupment of their award.

# Assisted Living Program Responsibilities

Attestation

Spending Plan

Survey and Documentation

# Assisted Living Program Attestation

- To qualify for funding, Assisted Living Programs must complete an attestation that the funding is being used for approved expenses.
- Assisted Living Programs that do not complete the attestation by the due date will not be eligible for funding.
- The attestation also collects Assisted Living Program and member information which will be used to determine eligibility.

## Section 3: Site Information

Please provide the following information:

Provider Name:

Provider ID Number(s):

Organization/Individual Email:

EIN Number(s):

State Financial System (SFS) Vendor ID:

Facility ID:

Operating Certificate:

Owner/Officer Name (see instructions, #4):

# Assisted Living Program Spending Plan

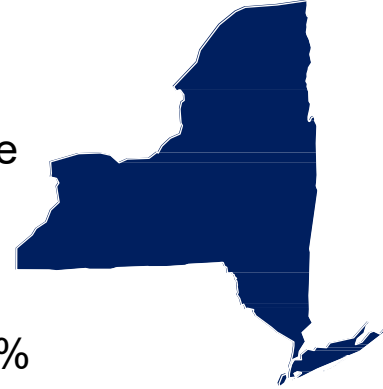
- The Department will provide a template for sites to use to document their spending plan.
- The template includes examples of how to complete it.
- The spending plan is used to describe, and document planned fund use as well as report on the funds which will be used.
- All funds must be spent by March 31, 2025.
- This file should be submitted with the attestation, by the due date, in order to qualify for funding.

# Assisted Living Program Survey & Documentation

- The initial survey will be due 5 business days after the submission of the attestation and spending plan.
- Surveys and documentation on spending must be completed and submitted.
- Follow-up surveys and the documentation on spending will provide data to measure the impact of investments.
- Sites must complete these activities quarterly to retain their awards and maintain eligibility for future enhanced funding opportunities.
- More information regarding the quarterly reports will be provided following the release of provider awards.

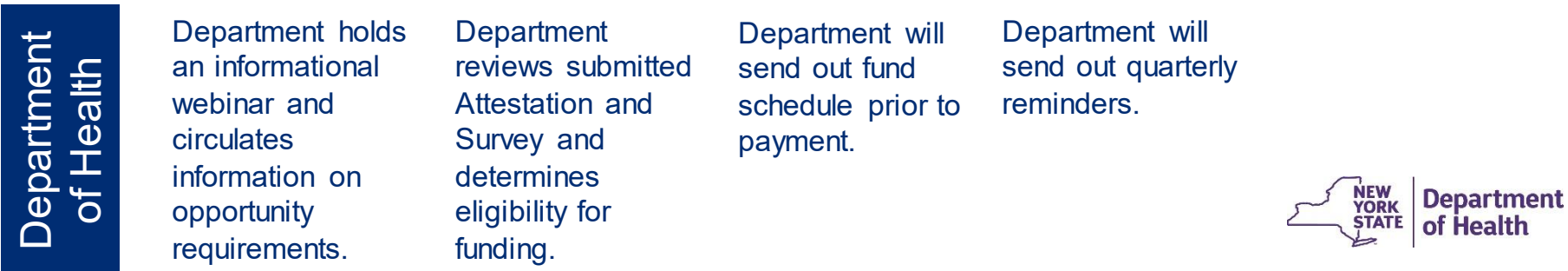
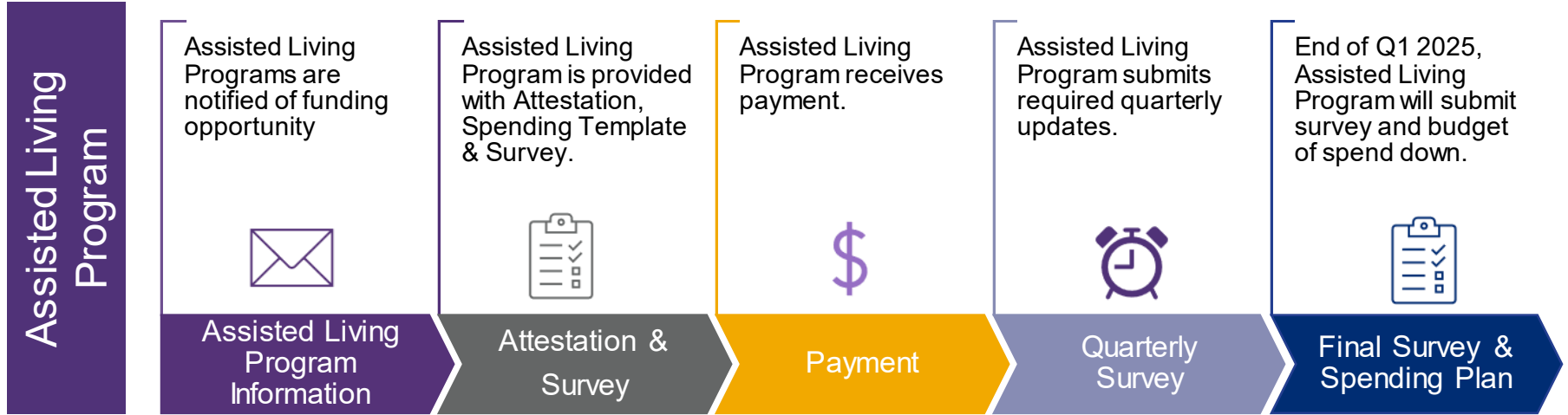
# State Responsibilities and Payment Methodology

- New York State determines Assisted Living Program payments based on the unique members serviced at each Assisted Living Program along with the eligibility requirements.
  - Of the total funds available, 90% will be distributed proportionally by members served by each Assisted Living Program . The remaining 10% will be distributed to Assisted Living Programs serving less than 30 members proportionally by the members served at each Assisted Living Program with less than 30 members.
- New York State oversees the Assisted Living Program attestation and reporting processes.
- New York State communicates payments to Assisted Living Programs.
- New York State coordinates the payment process, including any coordination with CMS, prior to making payments.





# Timeline



# Pre-submitted Questions

# Spending – Recruitment and Retention

**Q: What if the costs of a planned use for funds exceeds ARPA funds or will be funded by non-ARPA funds?**

A: The spending for planned fund use only needs to be described for the specific areas which will be supported by ARPA funds. The Assisted Living Program does not need to provide the entire spending plan for non-ARPA funds.

# Spending – Allowable Expenses

**Q: Can funds be used toward existing programs that fit the categories or do all funds need to go to new programs?**

A: Funding cannot be used to cover existing expenses or legal requirements, even if they fall into the allowable categories. Funding must be spent on new or augmented programs.

**Q: Can the Assisted Living Program use this funding to hire consultants to help implement new programs and strategies?**

A: Funding can be used to pay for consultant fees only if the scope of work being covered is strictly focused on one of the approved investment areas.

**Q: Can Assisted Living Programs use this funding to pay for capital expenses that further one of the approved investment areas?**

A: Capital expenses are not permissible uses of this funding.

**Q: Will the Department recoup funds from Assisted Living Programs who fail to satisfy the requirements?**

A: Assisted Living Programs may be subject to audit, which could result in recoupments. Assisted Living Programs must track spending and clearly document all award expenditures. Assisted Living Programs will not be required to provide documentation in their quarterly reports and must keep documentation **available until March 31, 2033 (corrected date)**.

# Budget and Spending Narrative

**Q: Does the Department have a preference for awardee spending?**

A: The Department has shared guidance with potentially eligible Assisted Living Programs that provides descriptions of each spending category as well as investment examples. Assisted Living Programs have flexibility to spend their awards in ways that are most appropriate for their sites while staying within the bounds of the spending categories the Department has identified.

**Q: Is the approximate award amount listed in the award letter the exact amount that will be awarded or will the amount change? Is the budget that Assisted Living Programs submit considered final?**

A: The award amount provided in the letter is approximate and should be used as the basis for your budget. Based on 2022 estimates, the funding range is between \$17,000-640,000.

**Q: How detailed does the spending plan narrative need to be?**

A: The narrative should be as accurate as possible and provide a comprehensive overview of your spending plan but does not need to include specific details such as vendor names.

# Survey

**Q: Will all Assisted Living Programs complete the survey?**

A: Only eligible Assisted Living Programs will complete the survey.

**Q: How many hours are considered full-time?**

A: The number of hours that qualify an employee as full-time is determined by individual employers.

**Q: Is this survey related to any other data collection the Department currently requires?**

A: This survey is in addition to other data collection the Department will require. The survey specific to Assisted Living Programs will be required at the time of attesting and again in March of 2025. Documentation of spending will be required quarterly. A bi-annual survey will also be requested by the Department independently for all ARPA recipients.

# Thank you!

- Reminders:
  - Please email any questions or comments regarding the State Plan Amendment process or policies to [ALP\\_ARPA@health.ny.gov](mailto:ALP_ARPA@health.ny.gov).
  - Please remember that successful submission of the attestation and survey does not guarantee funding.