QUESTIONS AND ANSWERS

Questions below were received by the deadline announced in the SOI. The New York State Department of Health is not responsible for any errors or misinterpretation of any questions received.

The responses to questions included herein are the official responses by the State to questions posted by potential bidders and are hereby incorporated into the SOI #18810. In the event of any conflict between the SOI and these responses, the requirements or information contained in these responses will prevail.

WHO MAY APPLY

**Question 1:** I am a Canadian citizen here on a work (H1B) visa. I am wondering if this status excludes me from applying for this program.

**Answer 1:** As stated in Minimum Qualifications on page 2 of the SOI, the physician must be a citizen of the United States or a permanent resident alien holding an I-155 or I-551 card.

**Question 2:** I am a practicing Neurologist at XYZ Hospital and have worked here since July 23, 2018 but my contract is renewed annually. I graduated from XYZ School with an MD. I am already enrolled in PSLF (and have been for at least 7 years). We have no outstanding legal or financial issues. My husband is in a similar position, but in Psychiatry. We were wondering if we would qualify for DANY or if any of the above would disqualify us.

**Answer 2:** Per the Minimum Qualifications listed in this SOI, the physician cannot have worked as a physician in any capacity in any underserved area, as defined in Attachment 6 of this SOI, prior to April 2, 2020 which was the original application submission deadline for Cycle VII (these limits do not apply to time spent as a resident or fellow). However, any physician that was named in any Cycle VII application that was either wait listed and not given an award or disapproved, may be submitted in a new application for consideration in Cycle VIII provided that...
the physician did not work in any underserved area prior to April 4, 2019 (i.e. the eligibility date for Cycle VII).

**Question 3:** I have already been a recipient of DANY loan repayment and my 3-year contract will be ending in December. I was wondering if I can apply again if I still have outstanding loans?

**Answer 3:** As stated in Minimum Qualifications on page 3 of the SOI, the physician must not have previously received DANY PLR or PPS funding.

**Question 4:** I’ve been working at ECMC hospital which qualifies for the program based on Attachment 6. I was wondering if the past year can be applied to this year’s application or does it start new with a three-year term.

**Answer 4:** As stated in Minimum Qualifications on page 4 of the SOI, the start date of the physician’s DANY service obligation under this contract will be March 1, 2022. The full contract term for all grantees is March 1, 2022 to February 28, 2025.

**Question 5A:** Can only certain medical specialties may apply, or it is open to all specialties?

**Question 5B:** Previous DANY Cycles have identified the physician primary care and specialty disciplines eligible for application. This is the required response in Attachment 2, Part 2, 2f. and Part 5, 5c.? The only mention of disciplines or specialties is found in Attachment 6 which provides options for physicians "practicing in General Internal Medicine, Family Practice, General Pediatrics, Geriatrics, OB/GYN or Adult/Child Psychiatry". Please identify the disciplines and specialties that are eligible to apply.

**Question 5C:** I have a few questions about the NY State Loan Repayment Program. Are licensed full-time Physician Assistants eligible to apply? Is working in labor and delivery eligible?

**Answer 5(A-C):** Both primary care doctors and specialists who are either a Doctor of Medicine (MD) or a Doctor of Osteopathy (DO) may qualify for this grant.

**Question 6:** I’m an ER Physician working at a hospital in an underserved area. I’m confused on whether I’m an individual applicant or if I need to apply as a department through my ER?

**Answer 6:** You may apply as an individual physician applicant or the health care facility may apply for the grant and name you as the designated physician. If you apply as an individual physician, you will be the grantee, and may take the grant with you to a new qualifying job if you
choose to make an employment change during the DANY obligation period. If the health care facility applies, they are the grantee, and you cannot take the grant with you if you change employment during the DANY obligation period.

One type of applicant does not have a clear advantage over the other when the Department makes awards. Awards are primarily made in order of the date and time of receipt of initial application until funding is exhausted for that region or provider category.

**Question 7:** I am writing to inquire about submitting applications on behalf of a PC. The PC has its own EIN but operates under a hospital’s operating certificate. Would candidates who work full time for the PC count as applicants towards the hospital’s allotment? Ideally, I would like to submit applications on behalf of the hospital and separate and distinct applications on behalf of a PC.

**Answer 7:** The Answer depends on where the DANY service obligation is going to be carried out. No more than three awards will be made to support a DANY service obligation to be carried out at a health care facility with the same operating certificate number or, in the case of a medical practice, the same New York State Department of State registration number, regardless of whether the applications were submitted by physicians or health care facilities. A fourth award may be considered only if there are additional funds left over after all eligible applications are funded.

**Question 8:** I have a question from would be applicants regarding the exclusion criteria for those who had worked as a physician in any capacity prior. Essentially, does this capacity include training (either residency or fellowship)?

**Answer 8:** The physician cannot have worked as a physician in any capacity in any underserved area, as defined in Attachment 6 of this SOI, prior to April 2, 2020 which was the original application submission deadline for Cycle VII (these limits do not apply to time spent as a resident or fellow). However, any physician that was named in any Cycle VII application that was either wait listed and not given an award or disapproved, may be submitted in a new application for consideration in Cycle VIII provided that the physician did not work in any underserved area prior to April 4, 2019 (i.e. the eligibility date for Cycle VII).

**Question 9:** I have recently signed on as a Hospitalist at XYZ Hospital. I just completed residency, and this is my first time practicing with my own license in New York State. I plan to build my career at this hospital and serve this community. My initial contract as a new hire is only for 2 years. Barring any extenuating circumstances, I have every reason to believe my contract will be renewed and I will be working for more than 3 years at this facility.

My specific questions are as follows:

A. Do you recommend that I apply for DANY this cycle?
B. Is there any way I can ask my department or Hospital to provide any other documentation other than a contract regarding their interest to keep me on-board and continue? Would such a document be acceptable in support of my DANY application?

C. If I were to not apply this cycle due to only being able to provide evidence of a 2-year contract, would I be eligible to apply for future cycles when my contract is renewed? Would I be precluded from applying to future cycles since I have been working in the same community but did not apply during this cycle?

Answer 9(A & B): Eligibility dates change with each cycle and the Department cannot comment on what requirements will be in place for future cycles. For Cycle VIII, a physician cannot have worked as a physician in any capacity in any underserved area, as defined in Attachment 6 of this SOI, prior to April 2, 2020 which was the original application submission deadline for Cycle VII (these limits do not apply to time spent as a resident or fellow).

9(C): Per Attachment 5 of this SOI applicants are required to submit both an employment contract and an Addendum Letter for the named physician. When completing the required Addendum Letter, the first bullet will sufficiently address the issue.

**EDUCATION LOANS**

**Question 10:** If I were to **refinance** my loans would I still be able to apply and receive the funds from DANY?

**Answer 10:** Refinanced loans are eligible if they are marketed as educational loans and must be from lending institutions subject to governmental regulation.

**Question 11:** Can I use DANY funding to repay **private and federal** loans?

**Answer 11:** DANY funds can be used to repay qualified educational debt, both state and federal. Alternative student loans (or private loans) specifically used for higher education purposes only are eligible if they are marketed as educational loans and must be from lending institutions subject to governmental regulation.

**Question 12:** If an applicant has educational loans in their **parents’ names**, do those loans qualify for DANY loan repayment?

**Answer 12:** Educational loans must be in the physician’s own name.
**Question 13:** Can you put your loans in deferment status while you apply and still qualify for DANY?

**Answer 13:** A physician may have loans in deferment or forbearance status. However, applicants are not eligible if loans are in default status.

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**USE OF FUNDS**

**Question 14:** Define/provide examples regarding what qualifies as “enhanced compensation” to the physician.

**Answer 14:** Enhanced compensation means additional funding over and above what would have been provided to the physician prior to a DANY award being granted. For example, if the physician salary had been set at $X, you could give the physician a bonus (on top of the $X salary) with funds from the grant. However, you could not use the funds to pay a portion of $X since doing so would be considered a salary offset. Money should be used to provide added support to the physician.

**Question 15:** Would the hospital be responsible for providing the funds for physician loan repayment directly to the physician and then the physician pays the debt?

**Answer 15:** Grant fund payments are made to the individual or health care facility that holds the contract. If a hospital applied for loan repayment funds for a physician, the payment is made to the hospital with expectation that 100% of the funds be passed along to the physician named in the contract.

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**IMPORTANT DATES**

**Question 16:** I originally started work in August 2019 but had to go on maternity leave in December 2019 from the underserved area I currently serve in. I wanted to apply for the DANY grant application which was due April 2, 2020 but was not able to because I couldn’t get a grants gateway login fast enough when I returned from maternity leave. Am I able to apply for Cycle VIII based on the clause below?

- The physician cannot have worked as a physician in any capacity in any underserved area, as defined in Attachment 6 of this SOI, prior to April 2, 2020 which was the original application submission deadline for Cycle VII (these limits do not apply to time spent as a resident or fellow). However, any physician that was named in any Cycle VII application that was either wait listed and not given an award or disapproved, may be submitted in a new application for consideration in Cycle VIII provided that the physician did not work in any...
Answer 16: Based on the start date of your employment in an underserved area (August 2019), you were eligible to apply for Cycle VII. Since you did not apply for Cycle VII and therefore were not wait listed or disapproved, you are not eligible to apply for Cycle VIII.

Question 17A: My partner and I are both NY resident physicians interested in applying. We are graduating this June so from what I read for this cycle we would not qualify, correct? We would need to start working by March 2022. I’m assuming there will be cycle in the future that covers later start dates?

Question 17B: At XYZ Hospital we have currently employed a resident. If the resident is to be hired in July 2022 as a physician in a medically underserved area, would they be eligible for the DANY grant?

Answer 17(A-B): The date on which the physician’s employment contract or business plan begins must be no earlier than April 2, 2020 and no later than March 1, 2022. The start date of the physician’s DANY service obligation under this contract will be March 1, 2022. For residents graduating in July 2022, we anticipate that they will be eligible to apply for the next Cycle of DANY.

Question 18A: I have been working in the same practice serving an underserved population for about ten years. I was just made aware of this DANY grant by my employer, but my reading of the eligibility seems to indicate I would not qualify given the length of time I have been in practice. This is a little unclear as there is some mention of using this as a retention bonus and retention implies a longer employment relationship.

Question 18B: I have been working at a 501c3 institution for over 10 years as an OBGYN and would like to see if I qualify to apply.

Question 18C: I have worked as an Emergency Physician (as an attending) in an underserved community in NYC since July 2017. I have approximately $560,000 in loan debt. My understanding was that I could apply for a DANY grant until 5yrs out of training. Is this correct? Can I apply to Cycle 8?

Answer 18(A-C): The physician cannot have worked as a physician in any capacity in any underserved area, as defined in Attachment 6 of this SOI, prior to April 2, 2020 which was the original application submission deadline for Cycle VII (these limits do not apply to time spent as a resident or fellow). However, any physician that was named in any Cycle VII application that was either wait listed and not given an award or disapproved, may be submitted in a new application for consideration in Cycle VIII provided that the physician did not work in any underserved area prior to April 4, 2019 (i.e. the eligibility date for Cycle VII).
The full contract term for all grantees is **March 1, 2022 to February 28, 2025.** In all cases, 100 percent of the funds ultimately must be distributed to the physician or the physician’s practice during the three-year DANY obligation period.

**AWARD AMOUNTS / LIMITS**

**Question 19:** Can the total allocated award be more than the current loan amount? For example, if the current outstanding debt is $115,000 can an applicant apply for the maximum $120,000 (assuming that over the three-year award, the interest (6.8%) will cause the total to increase ABOVE $120,000)?

**Answer 19:** If an individual physician applicant is applying to repay qualified educational debt, the amount requested for the DANY award cannot exceed the total amount of all outstanding educational loans. Future accumulation of interest cannot be considered. Proof of loan statements must be provided at the time of application.

**Question 20:** I am a new family physician practicing in a mental health HPSA. I started my own private practice (PLLC), and I am the only physician practicing there. Am I eligible for two uses of funds if I submit two applications as follows:

1. An application on behalf of me as a physician, to be used towards qualified educational debt.
2. An application on behalf of my physician owned PLLC, to use towards the costs of establishing the practice.

If I'm eligible to submit two applications as above, can I apply for the maximum amount on both applications ($40,000/year) or should I request a portion towards loans, and a portion towards costs of establishing a private practice?

**Answer 20:** For the application to be complete, the applicant must provide the name of the physician who will be carrying out the DANY service obligation. **The same physician cannot be named in two different grant awards.** If your business only has one employed physician, then you must choose to either apply as an individual physician applicant or have the health care facility apply.

One differentiation is, if you apply as a health care facility, funds can be requested for multiple purposes but cannot exceed the total grant amount of $120,000. For example, you can apply $60,000 to the named physician for loan repayment and $60,000 to the facility for eligible expenses as defined in the SOI to establish the practice. The grantee is required to provide expenditure reports and/or loan statements to verify the use of DANY funds.

**Question 21:** The SOI Section III Project Narrative, B. Application Limits states: no more than
four applications will be accepted from a health care facility with the same operating cert. number and if more than four are submitted, only the first four eligible applications received will be reviewed. The SOI Section III Project Narrative C. Award Limits states: no more than three awards will be made to support a DANY Service obligation with same operating cert. number. Does this mean a facility can submit four, but only three can be eventually awarded?

Answer 21: No more than four applications will be accepted from a health care facility with the same operating certificate number or health care facility that is a medical practice with the same Department of State Identification Number. No more than three awards will be made to support a DANY service obligation to be carried out at a health care facility with the same operating certificate number or, in the case of a medical practice, the same New York State Department of State registration number, regardless of whether the applications were submitted by physicians or health care facilities. A fourth award may be considered only if there are additional funds left over after all eligible applications are funded.

ATTACHMENTS / UPLOADS

Attachment 5 – Employment Contract or Business Plan

Question 22: I was hired starting September 1, 2021 and my contract renews annually. On the application, it was mentioned that an addendum could be attached answering specific questions. Is it sufficient to state that I will fulfill the DANY obligation on that addendum page, or do you need my contract revised?

Answer 22: All applicants must complete Attachment 5 for DANY grant consideration. This includes both a copy of the current Contract and an Addendum Letter. You do not need to submit a revised contract to state that you will fulfill the DANY service obligation (which is three years). Instead, when completing the required Addendum Letter, the first bullet will sufficiently address the issue.

Attachment 6 – Tool to Identify an Underserved Area

Question 23: If an applicant chooses Option A: Primary Care/Psychiatric Physician in a HPSA/MUA/MUP, should the applicant only submit p. 1 of 6 of Attachment 6 (PDF p. 25) PLUS supporting documentation for HPSA/MUA/MUP status?

Answer 23: The applicant only needs to submit the support documentation for their HPSA/MUA/MUP status obtained from the following website: https://data.hrsa.gov/tools/shortage-area/by-address
**Question 24**: If an applicant chooses Option B: Primary Care/Psychiatric Physician in a Rural County or Town, should the applicant only submit page 2 of 6 of Attachment 6 (PDF p. 26) PLUS Attachment 7 (2 pages, PDF p. 31-32)?

**Answer 24**: The applicant only needs to submit Attachment 7 with their circled response.

**Question 25**: If an applicant chooses Option C: Alternate Method to Verify an Underserved Area, should the applicant submit pages 2-6 of Attachment 6 (PDF p. 26-30) PLUS supporting documentation?

**Answer 25**: The applicant must answer all 17 questions of Option C and must be able to answer Yes to 6 of those questions. The requested supporting documentation must be provided for each Yes answer.

**Question 26A**: Would you be able to tell me if XYZ Family Practice clinical site would classify as underserved in order to qualify for DANY?

**Question 26B**: I am interested in applying for the DANY award this year and would like to know if the award will be offered for support in XYZ County? Is XYZ County on the eligible counties for consideration?

**Answer 26(A-B)**: Refer to Attachment 6 of the SOI. You must be able to determine that the work location is an underserved area using either Option A, Option B, or Option C.

**Question 27**: Am I correct in thinking that if the applicant can answer yes to the fact they will be practicing in a rural county as defined in Attachment 7, they do not need to fill out any further information in Attachment 6? Must the applicant work strictly in a primary care practice and not as a full-time hospitalist?

**Answer 27**: To choose Option B on Attachment 6, the physician must be practicing in General Internal Medicine, Family Practice, General Pediatrics, Geriatrics, OB/GYN and Adult or Child Psychiatry. Circle the relevant rural county or town listed on Attachment 7 and submit this completed document to prove the physician works in an underserved area; no further documentation is needed. Option B on Attachment 6 is not an option if the physician is specialist.

**Question 28**: I am a physician in Brooklyn, NY. I am unable to access the necessary data on the census.gov website. It does not appear to have demographics by zip code in New York City. I can only access data for Kings County as a whole. Please advise.
**Answer 28:** Since the website does not have demographics by zip code for Brooklyn, NY you may access data using the county (i.e., Kings County).

**Question 29:** Since I mostly practice endocrinology as a specialist with some general internal medicine inpatient care, would I fill out option C for Attachment 6? I also currently work in the Washington Heights area; would that qualify me for this application since the Census is for NYC rather than the Washington Heights area.

**Answer 29:** If the physician is a specialist, they may only complete Option C of Attachment 6 for consideration. Options A and B would not apply. For the work site to successfully be identified as an underserved area, the applicant must be able to answer Yes to six of seventeen questions listed in Option C. They must also provide supporting documentation for all Yes answers.

**DEFAULT PROVISIONS**

**Question 30:** The Health Care Facility Applicant has successfully maintained multiple DANY awards in previous cycles over many years. Unfortunately, a recent DANY recipient separated from the Health Care Facility prematurely. As indicated in this DANY Cycle VIII SOI (page 35), the Health Care Facility Applicant was responsible to pay back the grant and default penalties. The question is, can this Health Care Facility Applicant now apply under DANY Cycle VIII (in other words, does the recent forfeiture scenario outlined disqualify the Health Care Facility Applicant in any way)?

**Answer 30:** The Health Care Facility is not precluded from applying for a Cycle VIII grant if they have an eligible physician. However, the Department reserves the right to allocate funding in ways to best serve the interests of the State. Funding decisions may vary depending on if the Health Care Facility is making a good faith effort and timely payments on their default versus having an outstanding penalty payment or contesting a penalty payment.

**Question 31:** If the health facility receives DANY funding to help a physician repay outstanding qualified educational debt and that physician fails to complete their three-year service obligation who repays the funds to the Department?

**Answer 31:** Applicants should be aware that the penalty for default would always be assessed against the individual or organization that holds the contract. Thus, if a health care facility applied for a DANY award for one of their physicians and the physician left prematurely, the health care facility would be responsible for repayment. Employers may have provisions in their employment contracts with the doctors that transfer responsibility for paying the default penalty to the doctor if they do not finish the service obligation; this is a separate matter not involved in
the DANY grant contract. The Department will only deal directly with the grantee on all default matters. The penalties for default are detailed in Attachment 9 of the SOI. The default provisions differ based on the source of the funding.

**Question 32:** What happens if a physician is the grantee, and they leave before their 3-year commitment is fulfilled? Would they have to pay back the entire amount received, or would they be able to keep the funding received for the years completed?

**Answer 32:** There are significant financial consequences in the event a physician fails to complete their three-year service obligation. The penalties for default are detailed in Attachment 9 of the SOI. The default provisions differ based on the source of the funding.

**CONTRACT MODIFICATIONS**

**Question 33:** What happens when there’s a work gap for a maternity/family leave? Is the grant time extended?

**Answer 33:** It is the sole discretion of the Department to approve the deferment of a physician’s service obligation. For a request to be considered, the Department must receive the request in writing prior to any action being taken to change the service obligation. Examples of reasonable cause may include: maternity or paternity leave, personal or family illness, military services, etc. The decision to permit a deferral will be solely at the discretion of the Department. Any deferral period granted by the Department will be added to the obligated physician’s term obligation.

**SCHOLARSHIPS & LOAN FORGIVENESS**

**Question 34:** How would the grant work for individuals who do Public Service Loan forgiveness? Could the grant be used to cover monthly loan payments, or does it have to be applied to loan principle?

**Answer 34:** A physician participating in the Public Service Loan Forgiveness Program (PSLFP) is eligible to apply for the DANY program even if their service obligation dates overlap. The Department cannot comment on the payment obligations of the PSLFP. However, the physician must apply 100% of DANY funds to his/her outstanding educational loan debt no later than 90 days after the end date of the DANY contract. Monthly principal and interest payments, as well as lump sums paid from DANY proceeds, will count toward satisfying this requirement.
**Question 35A:** I work at two different facilities. One facility I am working 32 hours per week over four days, the other facility I work at least one day per week. How can I reconcile this for the DANY award in the application?

**Question 35B:** If I was to transition to another group here in the area and that group services multiple hospitals one of which qualifies for a program, but another does not, would that still be applicable to this program?

**Answer 35(A-B):** It is not required that full time employment hours be solely at one institution. If the applicant works at more than one institution, their **cumulative contract hours must equate to a full-time schedule** (as defined in Section II. Minimum Qualifications). The applicant would need to provide contracts and addendum letters from each employer. The hours per week must be set by the contract and cannot be variable to ensure the physician meets the minimum number of hours per week on a consistent basis. Furthermore, the applicant must be able to determine that both work locations are an underserved area using either Option A, Option B, or Option C in Attachment 6. **If one site cannot be identified as an underserved area using either Option A, Option B or Option C in Attachment 6, those work hours CANNOT be used towards achieving a full-time schedule.**

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**Question 36A:** I am currently employed by a hospital residency program in an underserved area. My contract is for 40 hours per week and I see patients 30% of that time and precept and teach residents the remainder of the time. I was wondering if this would qualify me for the work requirement for the grant.

**Question 36B:** I am a Family Medicine physician employed at XYS Hospital. I am employed 40 hours per week and see patients 30% of the time in direct practice, the remainder of the time is spent teaching and precepting the residents. My call time is spent in direct patient care on the inpatient medicine service at ABC Hospital. I was wondering if with this information I would qualify me to apply for the grant.

**Answer 36(A-B):** The services that the physician will provide under the employment contract or business plan must constitute full time clinical practice, meaning at least 40 hours of service **(with a minimum of 32 clinical hours*) per week for at least 45 weeks per year.** These standards cannot be met with schedules that vary from week to week. The 40 hours per week may be compressed into no less than four days per week, with no more than 12 hours of work performed in any 24-hour period. **The 40 hours per week may not include time spent in “on-call” status except to the extent that the physician is regularly scheduled and providing patient care at a site identified in the Program Specific Questions section of this application during that time. Any hours worked in excess of 40 hours per week shall not be applied to any other work week.** A portion of the physician’s time may be spent providing telehealth services that are in compliance with applicable New York State regulations. However, telehealth services must be a component of the physician’s traditional practice and may not account for more than 40% of his/her overall clinical work hours per week.

*The 32 Clinical hours should be in direct patient care and therefore does not include time spent*
conducting teaching or research.

**MISCELLANEOUS QUESTIONS**

**Question 37 Part A:** A doctor is hired by hospital and provided with $15,000 educational loan repayment benefit for next three years. Now doctor wants to apply for DANY grant in addition. Can he/she do that?

**Part B:** Can hospital suspend, pause or otherwise take away the $15,000 initially outlined in contract by amending contract on basis of grant awarded by DANY program?

**Answer 37 Part A:** Yes - a repayment benefit provided by an employer is allowable because it is not an obligation from the local, state or federal government. As stated on page (5) of Attachment 2 – Program Specific Questions: a physician participating in DANY cannot be fulfilling a public or private obligation under any local, state or federal government loan repayment program (except the Public Service Loan Forgiveness Program) where the obligation period would overlap or coincide with the DANY obligation period.

**Part B:** No - a facility/employer should NOT reduce a physician’s compensation package because of receiving a DANY grant as stated on page (8) of the SOI. Grant funds are meant to provide additional funding over and above what would have been provided to the physician prior to a DANY award being granted.

**Question 38:** The company I work for does not have either a NY state DOH, OASAS, or OHM Operating Certificate number or Department of State Identification number which is requested in the application. Can I provide articles of organization (that show the PLLC was organized in NY State for medicine instead)? Or maybe my Medicaid ID number? Please let me know how to proceed.

**Answer 38:** This information is meant to define the physical location where patient care is taking place. For each facility or site, the applicant must provide the Primary Facility New York State DOH, OASAS, or OHM Operating Certificate # or Department of State Identification number. You can obtain this information by asking your employers Administrative Office or by going to: https://www.dos.ny.gov/ and searching for your business by name.