

# Home Care Developments

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## NY Senator and Chair of Committee on Disabilities Introduces Bill to Repeal and Replace the CDPAP RFO

New York Senator John Mannion, the Chairman of Committee on Disabilities, has introduced a bill to repeal and replace the CDPAP RFO with a registration process for all fiscal intermediaries that are operating as of April 1, 2022. The [proposed bill](#), if passed, would allow fiscal intermediaries that did not receive a RFO award to continue operating. Instead of complying with the RFO results, all fiscal intermediaries would instead be required to comply with the new requirements that have been proposed. Some of these new requirements in the Mannion bill include:

1. All fiscal intermediaries would have to register with the Department of Health (“DOH”) prior to providing fiscal intermediary services. The DOH would not deny registration to an existing fiscal intermediary in good standing as of April 1, 2022.
2. A registration would be effective for 5 years.
3. The fiscal intermediary would need to pay a registration fee that will not exceed \$5,000.
4. A fiscal intermediary applying for an initial registration would require the applicant to attest to various items, including that the applicant is able to “appropriately” serve consumers, and can demonstrate compliance with all applicable laws. In addition, the fiscal intermediary would have to establish several of the factors that were used in the RFO, such as the ability to maintain a local presence and maintain and review a disaster preparedness and emergency plan, have an effective organizational structure with qualified administrative staff, ensure appropriate cultural and linguistic competencies to serve consumers and personal assistants, and maintain written policies and procedures.
5. The Commissioner would have the right to impose penalties on any fiscal intermediary that fails to comply with the registration requirements and terminate the registration of any fiscal intermediary that the Commissioner finds is endangering the welfare of the public.
6. Registered fiscal intermediaries would be required to submit a cost report and a report listing quality measures and other data, including the number of timely processed payroll cycles, the number of accurate paychecks, the number of days to onboard a personal assistant, the total number of referrals made each month by a MCO or a LDSS, information related to social determinants of health, cultural or racial disparities or related information, and information about complaints

- filed with the fiscal intermediary or against the fiscal intermediary.
- The fiscal intermediary would be required to comply with various data privacy and security laws and report annually the direct care and administrative costs of personal assistant services.

We will keep you posted about the progression of this bill as the budget season moves to conclusion by April 1, 2022. In the meantime, clients who have questions about the implications of this proposal on their RFO award or their status as a non-RFO recipient are welcome to reach out to us.



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