



# ARPA ALP Funding Guidance

## Introduction

This one-time funding is to support activities to strengthen workforce stability and diversity in Assisted Living Programs (ALPs) that are open and providing services to Medicaid residents. You have already been made aware of your eligibility, submitted attestations and initial spending plans and received your final award notices.

The following document outlines roles and responsibilities of sites and answers Frequently Asked Questions. It supplements guidance released earlier and [found here](#).

## Spending Plans

You have submitted spending plans, which were reviewed and approved by the Department of Health (DOH) American Rescue Plan Act (ARPA) Team. There is no need to resubmit these plans unless you will pursue substantively different strategies to meet the goals of this initiative, described above. It is likely you will have to update the spending plans for yourselves to reflect the change in time frame and any difference in final award amount.

If you are planning to substantively change your spending plan, or your plan was not fully approved prior to the notice of final award, please submit your proposed spending plan to [ALP\\_ARPA@health.ny.gov](mailto:ALP_ARPA@health.ny.gov) as soon as possible.

## Timeframe

Due to the delay in DOH's ability to load one-time lump sum payments, providers were asked to hold off on spending even with approved spending plans until final award notices were received. This moved initial implementation from March 2024 to July 2024. Accordingly, we extended the timeframe to expend all ARPA funds awarded until July 31, 2025. Please amend your spending plans accordingly for your own management and record keeping.

## Extensions

There may be circumstances that prevent a provider from meeting the final deadline of July 31, 2025 to fully expend these funds. If you believe that you will be unable to fully expend your award prior to July 31, 2025, please submit a revised timeframe to DOH through [ALP\\_ARPA@health.ny.gov](mailto:ALP_ARPA@health.ny.gov) for consideration. The DOH ARPA Team will review and approve these extension requests on a case-by-case basis. All such requests must be submitted no later than February 1, 2025.

## Non-allowable Spending

As a reminder, capital expenditures are not allowable expenses. Purchases of materials that integrate into a network or system are not allowable. Physical improvements are also not allowable. Please replace strategies that reflect these types of purchases in your spending plans.



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In addition, ARPA funds may not be used to support existing or planned initiatives, even those related to workforce enhancements. In other words, if you already announced a retention bonus program or new benefits prior to developing your initial spending plan, you must fund a new strategy with this award. Funding cannot be used to supplant current or already planned expenses, including any portion of any settlement obligations or other liabilities owed by the provider, or any related person or entity. Any investment made using this funding must be a new investment and one which was approved pursuant to Attesting and submitting the Spending Plan Narrative.

### Allowable Spending

Funds can be used for Community Integration supplies tied to member goals and preferences. Purchased supplies may not leave the program. We have determined such supplies will not be considered a capital investment. If attestations include any activities that may be considered a capital investment, such as installing a lift system, DOH will work with the program to identify another allowable use.

### General Funding Information

- 1) Sites are allowed to use up to 5% of the **total** award amount toward permitted administrative expenses.
- 2) Agencies that fail to expend funds, or expend funds on non-approved uses, may be ineligible for future awards and/or subject to recoupment of their award.
- 3) DOH encourages sites to work with the NYSDOH ARPA ALP Team to determine how their site can use the available funding
- 4) If your site's operating certificate is due to expire within the funding period, you must, at a minimum, provide the State with the appropriate documentation for renewal to retain your award. While renewal dates may be set retroactively, any lapse in a valid operating certificate may lead to recoupment. Please make proactive efforts on your end to respond to any State requirements.
- 5) Funds are allowed to be used for amounts related to bonuses; this includes expenses incurred by the employer for issuing bonuses (FICA, taxes, fringe, comp/DBL, etc.).

### Quarterly Reports and Required Documentation

The DOH ARPA Team will send participating providers surveys each quarter that will report spend down progress and allow providers to attach invoices and other documents relevant to strategies employed to improve workforce recruitment, training and retention, diversity or the availability of Personal Protective Equipment (PPE). Quarterly reports will be due to [ALP\\_ARPA@health.ny.gov](mailto:ALP_ARPA@health.ny.gov) as follows:

October 15, 2024

January 15, 2025

April 15, 2025

July 15, 2025 (will include prospective spending through July 31, 2025)

Documentation of spending will be reviewed for compliance and must be retained until July 31, 2033.

At the end of the year, we will conduct a survey to evaluate the success of the strategies employed over the funding period to improve workforce availability and retention, as well as diversity related to the



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population served. The site must also utilize this data to evaluate their ability to sustain these efforts past July 31, 2025. This survey will be due August 15, 2025.

### Penalties & Audits

Programs are subject to potential audit by the same entities who audit other Medicaid funding, which includes The Office of the Medicaid Inspector General (OMIG). In those cases, if fraud, waste, or abuse is determined, there may be recoupment and penalties including, but not limited to, being excluded from other funding opportunities.

### Assistance and Resources:

- 1) Any questions can be sent to DOH at: [ALP\\_ARPA@health.ny.gov](mailto:ALP_ARPA@health.ny.gov)
- 2) More information on New York's enhanced FMAP for Home and Community-Based Services efforts can be found here: [American Rescue Plan Act of 2021 Home and Community-Based Services \(HCBS\) Enhanced Federal Matching Percentage \(eFMAP\)](#).

## ARPA ALP Frequently Asked Questions

### Attestation and Spending Plan

- 1) Can money be spent post July 2025. Or can money be spent before July 2025 with services to continue past that date?**
  - a) Spending past July 31, 2025 is subject to written approval from the State. Any request for extensions must be received by February 1, 2025 to the [ALP\\_ARPA@health.ny.gov](mailto:ALP_ARPA@health.ny.gov) email address.
- 2) What does quarterly reporting entail?**
  - a) Quarterly reporting will include a description of financial spend down in total and for each category selected. Documentation to demonstrate this spending will also be required and may include receipts, paid invoices, and other relevant records.
- 3) Does DOH have a preferred fund use?**
  - a) Programs are encouraged to spend the funding in ways which align with the documented options and best support their programs' success. Using funds to support compliance with the HCBS Settings Rule and programmatic regulations as stated in the HCBS Final Rule Statewide Transition Plan are also encouraged if the program is under heightened scrutiny.
- 4) How does the state define Direct Care workers and how does this apply to this funding opportunity?**



- a) The state defines Direct Care workers for this initiative as a “worker who directly provides services or who supervises the provision of services.”
- b) This includes staff who provide services directly for residents as defined in 18 NYCRR [Section 494.3 – General Provisions](#).
- c) These include staff that render Home and Community Based Services to residents, staff that provide services that support Activities of Daily Living and Instrumentals of Daily Living (Aides, Nurses, Rehabilitation Therapists, etc.), as well as staff that prepare food for residents on a regular basis specifically for the program. This includes staff that provide supervision for those workers, unless they are in an administrative or facility position such as office management, Directorships, maintenance workers, custodians, etc.

**5) What if costs increase in a planned spending category? Can we adjust our spending plan?**

- a) We understand that costs may change and will include a place for programs to account for their actual spend-down in the quarterly surveys. However, we only need to collect the amount of ARPA specific funds the program receives and spends. All funding must be spent by July 31, 2025.
- b) Sites may not begin to spend funds until those funds are received. Furthermore, sites may identify several projects they would like to use the funding for which may begin at different times and spending should reflect the projected timeframes and amounts.

**6) How is the funding disseminated? In one lump sum?**

- a) A one-time lump sum payment will be disseminated through the Medicaid Provider ID (MMIS ID) provided in the attestations. The funds will be a lump sum payment which will arrive in the account associated with that Medicaid Provider ID. Providers should have received this payment in Medicaid cycle #2444 by July 10, 2024.

**7) Are strategies employed under this funding opportunity required to be funded by the provider after July 31, 2025 (sustainability)?**

- a) All spending strategies should consider sustainability and include determinations on how any temporarily implemented plans may be sustained after funding is exhausted, or use the information collected during evaluation to determine strategies for the future. The state recognizes the short-term nature of this funding.

**8) Would it be possible to clarify for programs the level of detail that can be added to spending plans after their initial submission? Can dollar amounts change after submission?**



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- a) The initial spending plans were intended to understand overall allocations across quarters and strategies. The quarterly surveys will allow for detailed reporting. The State does not expect a one-to-one outcome from the initial spending plan to actual spending. However, all funds must be spent and only ARPA funds should be reported when completing the quarterly surveys. It is likely that amounts will change, even if only because of the final award amount being different than the initial award projection.

### **Workforce Training, Recruitment and Retention**

#### **9) Can funds be used to award a recognized employee for job performance or attendance or a lunch and learn for employees?**

- a) Trainings, such as a lunch and learn, which are not required by the state or by a specific role/certification/licensure can be supported by this funding if you describe the goals and outcomes which will benefit your program.
- b) Funds cannot be used for the base salary/wage for existing or newly hired position(s) but may cover a bonus/incentive for sign-on or time of service or a temporary wage increase under this funding.
- c) Generally, funds should be distributed across a group of similarly situated employees and not devoted to a few employees based on performance, attendance or other meritorious action to encourage growth and proficiency in the workforce as a whole.

#### **10) Can some of the funds be used for direct care workers/supervisors to receive a Christmas bonus if they were employed 6 months or more if there are no negative blemishes on their evaluation?**

- a) Year-end incentive bonuses are allowable for staff who have met requirements defined by your program.

#### **11) Can I use funds to allow my direct care workers/supervisors to advance their skills for example, pay for CPR training?**

- a) Trainings which are not required by the state or by a specific role/certification/licensure can be supported by this funding if you describe the goals and outcomes which will benefit your program.

#### **12) Can funds be used for both staff and resident training in cultural competence?**

- a) Cultural competence training is allowable for staff. It is likely not allowable for residents unless it is part of multiple resident Person-Centered Service Plans to improve something related to their individualized goals.



**13) Can funds be used for Trauma Informed Care Training for staff?**

- a) Yes. Again, as long as it is not already a required training by the state or specific role/certification/licensure.

**14) Can this fund be used for language interpreter services for our residents?**

- a) Yes. However, it cannot be used to cover base wages. A good example would be to work with a vendor or use the funding for recruitment of staff who are bilingual and offer a bonus for working a defined amount of time (such as at least 6 months) at the program.
- b) Yes. Funding can go toward nutrition programs, and as always should be tied to the goals and outcomes in the spending plan. However, we caution to schedule time with us to review, as some items which are for the site could be considered a capital investment which are not allowed. In addition, items purchased for the program should remain at the site.

**15) How are capital expenses defined - do mannequins for training count for inclusion in some training programs? What about gift bags for attending additional education?**

- a) Capital expenses include but are not limited to the purchases of materials which integrate into a network or system and are not allowable. Physical improvements are also not allowable. Please reach out with specific strategies to confirm if your spending strategy and purchases are allowable. Contact: ALP\_ARPA@health.ny.gov

**16) Can programs offer scholarships to offset transportation costs for private pay registrants? This is a hardship cost for families.**

- a) Please keep in mind this is a funding opportunity under the Medicaid program. While your site may serve members who do not receive Medicaid, funding which will benefit your program as a whole and the Medicaid population you serve must adhere to the regulations outlined by CMS.

**General**

**17) When is the DOH webinar being posted and where?**

- a) The DOH ALP ARPA webinar may be found by using the link below, under 'Initiative Information' > 'Assisted Living Program Workforce Investments:  
[https://www.health.ny.gov/health\\_care/medicaid/redesign/hcbs/enhanced\\_funding/](https://www.health.ny.gov/health_care/medicaid/redesign/hcbs/enhanced_funding/)