

Preliminary Determination of Public Need and Agency Viability for New DV Residential Facility or Expansion of Existing Residential Beds

1) Request for New DV Residential Facility or Bed Expansion that Requires New Rate for Agency

- a) Voluntary agency submits a preliminary proposal to its Regional Office regarding a proposed facility. The preliminary proposal would include the following:
 - i) Site location.
 - ii) Number of additional beds.
 - iii) Bed or unit configurations.
 - iv) License type (Shelter, Program, Dwelling or Safe Home Network).
 - v) Description of program and services, including populations to be served.
 - vi) Statistics that support the need for proposed beds (as available, agency or program specific stats, system-wide stats, or stats specific to county, borough, or specific area, as appropriate).
 - vii) Support letter or other documentation from LDSS (this would be HRA in NYC) that supports need for additional facility.
 - viii) Projected budget for new facility or additional beds as well as the most recent financial statements for the agency.
 - ix) Projected operating date.

- b) Regional Office (with assistance from Rate Setting staff and home office DV Program staff) reviews preliminary proposal to determine justification of need as well as management strengths of agency (program and fiscal).
 - i) Regional Office requires additional information from agency or other sources, as needed.
 - ii) Regional Office makes a preliminary determination as follows:
 - (1) Regional Office determines it will not support the proposal based on its review of public need, or its concerns about the proposed site, or its concerns about the agency's management strengths.
 - (a) Regional Office writes a letter that communicates its findings to the agency regarding its reasons for not supporting the agency's request for an operating certificate for the new facility.
 - (2) Regional Office determines it will support the proposal, and writes a memo to Rate Setting requesting preliminary consideration of rate and fiscal viability issues before communicating with the agency.
 - (a) When Rate Setting's view of agency's request is positive:
 - (i) Rate Setting communicates its positive view to Regional Office. Then, Regional Office communicates preliminary acceptance to

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proceed with the proposal to the agency with a letter that describes: (a) the process for the agency to follow to obtain an operating certificate and rate; and (b) the specification that final approval, including the issuance of an operating certificate and rate, will be determined after all required information is submitted and all regulatory requirements are satisfied.

(ii) Rate Setting advises OCFS Budget of the specifics regarding a determination of preliminary acceptance of an agency's request, and OCFS Budget notifies DOB, as appropriate, of such specifics.

(b) When Rate Setting's view of agency's request is negative:

(i) Rate Setting communicates its concerns to Regional Office and works with Regional Office towards a consensus decision. Based on consensus decision, next steps would follow as outlined above for either acceptance or denial.

(ii) When Rate Setting and Regional Office cannot reach a consensus, OCFS Legal will be asked to assist with determination of preliminary acceptance or denial.

2) Request for Expansion of DV Residential Beds within Existing Agency Program and Rate

a) Voluntary agency submits a preliminary proposal to its Regional Office regarding a proposed expansion of residential beds within existing program and rate. The preliminary proposal would include the following:

i) Site location.

ii) Number of additional beds.

iii) Bed or unit configurations.

iv) License type (Shelter, Program, Dwelling or Safe Home Network).

v) Changes, if any, to existing program and services.

vi) Statistics that support the need for additional beds (as available, agency or program specific stats, system-wide stats, or stats specific to county, borough, or specific area, as appropriate).

vii) Support letter or other documentation from LDSS (this would be HRA in NYC) that supports need for additional facility.

viii) Projected budget for additional beds as well as the most recent financial statements for the agency.

ix) Projected operating date.

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- b) Regional Office (with assistance from Rate Setting staff and home office DV Program staff) reviews preliminary proposal to determine justification of need as well as management strengths of agency (program and fiscal).
 - i) Regional Office requires additional information from agency or other sources, as needed.
 - ii) Regional Office makes a preliminary determination as follows:
 - (1) Regional Office determines it will not support the proposal based on its review of public need, or its concerns about the proposed site, or its concerns about the agency's management strengths.
 - (a) Regional Office writes a letter that communicates its findings to the agency regarding its reasons for not supporting the agency's request for an operating certificate for such expansion.
 - (2) Regional Office determines it will support the proposal, and writes a memo to Rate Setting requesting preliminary consideration of fiscal viability issues before communicating with agency.
 - (a) When Rate Setting's view of agency's request is positive:
 - (i) Rate Setting communicates its positive view to Regional Office. Then, Regional Office communicates preliminary acceptance to proceed with the proposal to the agency with a letter that describes: (a) the process for the agency to follow to obtain an operating certificate with additional beds; and (b) the specification that final approval, including the issuance of an operating certificate, will be determined after all required information is submitted and all regulatory requirements are satisfied.
 - (ii) Rate Setting advises OCFS Budget of the specifics regarding a determination of preliminary acceptance of an agency's request, and OCFS Budget notifies DOB, as appropriate, of such specifics.
 - (b) When Rate Setting's view of agency's request is negative:
 - (i) Rate Setting communicates its concerns to Regional Office and works with Regional Office towards a consensus decision. Based on consensus decision, next steps would follow as outlined above for either acceptance or denial.
 - (ii) When Rate Setting and Regional Office cannot reach a consensus, OCFS Legal will be asked to assist with determination of preliminary acceptance or denial.