



Office of
Mental Health

OMH Community Mental Health Loan Repayment Program (Round 3)

2023-24 FREQUENTLY ASKED
QUESTIONS

December 2023

Questions? Comments? OMH.CMHLRP@omh.ny.gov

Frequently Asked Questions for OMH CMHLRP Program RFA

Please see below for the most frequently asked questions for Round 3 of the OMH Community Mental Health Loan Repayment Program RFA.

*"Employees with Eligible Job Titles" in this document refers to the job titles eligible for Round 3 of CMHLRP, which specifically are the following: licensed master social workers (LMSWs), licensed clinical social workers (LCSWs), licensed mental health counselors (LMHCs), licensed marriage and family therapists (LMFTs), licensed creative arts therapists (LCATs), licensed psychoanalysts, and licensed psychologists.

1. What settings would qualify for the OMH CMHLRP opportunity?

Answer – At this time, we are only including providers of licensed community mental health programs in one of the two below specified program categories may apply on behalf of eligible staff.

- **Inpatient/CPEP:** Licensed providers of Article 28 hospital inpatient psychiatric units, Article 31 freestanding inpatient hospital programs, and Comprehensive Psychiatric Emergency Programs (CPEPs), and Residential Treatment Facility - Children & Youth.
- **Outpatient/Crisis Residence:** Licensed providers of Article 31 outpatient programs including Assertive Community Treatment (ACT) teams, Continuing Day Treatment (CDT), Children's Day Treatment, Children's Mental Health Rehabilitation Services (CMHRS), Partial Hospitalization (PH), Personalized Recover Oriented Services (PROS), Mental Health Outpatient Treatment and Rehabilitative Services (MHOTRS), and Crisis Stabilization Centers (Intensive & Supportive) or licensed providers of crisis residence programs including Children's Crisis Residence, Intensive Crisis Residence, and Residential Crisis Support.

***EXCEPTIONS FOR LICENSED PROGRAMS MAY EXIST IN SPECIFIC SITUATIONS: Please see Question 35.*

2. Are Employees with Eligible Job Titles working at OMH facilities eligible for this program?

Answer - Unfortunately the OMH CMHLRP cannot be used for recruitment and retention of Employees with Eligible Job Titles working at any of the OMH facilities, regardless of program/setting. We are exploring this possibility in the future.

3. Am I able to apply for the OMH CMHLRP on behalf of an employee if they are already participating in another loan repayment program?

Answer – No. Individual Employees with Eligible Job Titles cannot participate in both the OMH CMHLRP and any other loan repayment programs simultaneously, i.e., Doctors Across New York (DANY) or New York City's Behavioral Health Loan Repayment Program (BH4NYC).

4. Would an employee be able to participate in the OMH CMHLRP if they have already participated and completed another loan repayment program?

Answer – Yes, provided they meet all eligibility requirements and would not be participating simultaneously.

5. Would consultants/contractors be eligible for the OMH CMHLRP?

Answer – No unless they are contracted via an academic affiliation that is approved by OMH. If applying on behalf of an employee contracted via an academic affiliation, please make sure to specify and explain where asked when applying under Sections A & B.

6. The list of Employees with Eligible Job Titles does not include Psychiatrists, Psychiatric Nurse Practitioners, or Psychiatric Physician Assistants. Why are these titles excluded?

Answer – Psychiatrists, psychiatric nurse practitioners, and psychiatric physician assistants are eligible to apply to Round 2 of the OMH CMHLRP, which is open for applications until December 31st, 2023. The purpose of Round 3 is to expand the OMH CMHLRP program to include Employees with Eligible Job Titles.

7. Will programs licensed by other agencies (such as OASAS) be eligible for the OMH CMHLRP?

Answer – Providers must be a licensed by OMH to be eligible for applying on behalf of eligible professionals. At this time, we are not aware of OASAS putting out a similar program to this opportunity.

8. Will prorated awards be available for applications on behalf of part-time employees?

Answer – Applications for part-time employees will be accepted and additional information should be provided where asked within the application (e.g., hours worked). During the review process, a determination will be made how to prorate the amount of the award proportionally to hours worked below full-time clinical capacity. For example, an employee working 20 hours per week (rather than the 40 hours required for full-time time clinical capacity) would have the amount of their award prorated 50% ($20/40 = 0.5$).

9. Is there a deadline for the start date of applications being used for recruitment? For example, we have a recruitment that won't complete their residency until January 2024.

Answer – The deadline would be an award start date of 6/30/24 for all Round 3 applications.

10. If our awarded employee leaves the agency prior to completing the three-year obligation period, would the agency be responsible for returning the funds to the State or would they be able to reallocate the remaining funds to another eligible employee?

Answer – Should the employee fail to fulfill the service obligation in full for any reason, the employer would be required to notify OMH in writing in a timely manner and return any unpaid award funds not yet paid to the employee. The employee would be required to repay in full any funds received from the award to OMH. Failure by the employee to repay would disqualify them from receiving a future award from the OMH CMHLRP.

Employers have discretion within their required employer-employee agreement on the enforcement mechanism used to recoup money from an employee for failure to complete their service obligation. The enforcement mechanism must be legally binding and enforceable in court by the employer.

11. Could a group of providers apply together and share on employee under the OMH CMHLRP?

Answer – No. Only one of the providers would be able to apply for the time worked within their licensed program. However, OMH will not restrict this provider from subcontracting with other licensed providers to support arrangements to share costs of their employee in other eligible programs. In this scenario, OMH will accept a combined application so long as this information is provided at the time of applying and OMH approves the arrangements of all participating parties.

12. What constitutes loan amount verification? Is a loan statement sufficient?

Answer – We recommend the most current loan statement itself at the time of verification.

13. What should be used for the employee award start date?

Answer – If the employee is already on payroll and the application is being used for retention, you may use as early as 11/1/2023. If the employee is not currently on payroll and the application is being used for recruitment, you would use the anticipated employee start date. You may notify OMH in writing of any changes should the award start date need to be updated after the application is submitted.

14. Who should complete the Sexual Harassment Prevention Certification form?

Answer – We cannot speak to the specific contact at your agency, but we recommend reaching out first to your HR department if you are unsure. The only stated restriction is that the employee your agency is applying on behalf of should not be completing and signing this form.

15. What if the employee we applied on behalf of takes a new job within our agency? What about a new job at a different agency?

Answer – Eligible professionals will be expected to fulfill their three (3) year service obligation pursuant to the agreement with the eligible program in which the award was made. The eligible program must notify OMH CMHLRP of changes in such agreements including reassignment or changes in their service location for approval of continuation in the program at the discretion of the Commissioner of the Office of Mental Health. Requests for changes should be sent to OMH.CMHLRP@omh.ny.gov.

If the eligible professional accepts a new job at a different agency, they would no longer be eligible for their current OMH CMHLRP award. Please see the answer to question #9 for additional information.

16. Is there a minimum number of hours worked per week required by OMH?

Answer – No.

17. How will the money be distributed for awards?

Answer – The funds will be provided directly to the licensed community mental health program, who will enter into loan repayment agreements with the eligible individual and distribute payments as obligated by each agreement. The first payment will be made upon approval of the award and the successful completion of all of the following:

- Execution of the award between the OMH and eligible program; and
- Employer Verification of Employment Attestation; and
- Employer Verification of Employee Qualifying Loan Attestation; and
- Employer Verification of Employee Eligibility Attestation.

Please be advised that execution of the award between OMH and eligible program will not be made until such time the contract is approved by both the NYS Office of the Attorney General and Office of the New York State Comptroller. The contracting process will not begin prior to March 31st, 2024.

Payment 2 will be made eighteen (18) months after initial payment with Payment 3 twelve (12) months after that, both pending verification of continued employment, proof of qualifying loan repayment, proof of continued employee eligibility and the continued availability of funds.

18. How long will it take to hear back after my application is submitted?

Answer – OMH will review all applications by eligible programs on behalf of current or prospective employees in the order in which they are received and in a timely manner. An eligible program shall be notified in writing by OMH whether the application is accepted, rejected or on waitlist. Eligible programs with applications that were rejected for being incomplete will be able to resubmit.

19. Do private/commercial loans taken out expressly for educational purposes qualify?

Answer – To be eligible for this program, an employee must still have qualified educational loan debt that can be repaid. Personal loans would not qualify. Qualified educational loans/debt is any student loan that was used to pay graduate or undergraduate tuition or related educational expenses, made by or guaranteed by the federal or state government, or made by a lending or educational institution approved under Title IV of the federal Higher Education Act.

20. Who determines employee eligibility?

Answer – The employer, applying on behalf of the employee, must evaluate whether they and/or their employee meet the criteria, and complete the application as instructed. The employer must maintain contemporaneous records for all claims related information and any other data or documents used to demonstrate that an employee was eligible to receive such award, including but not limited to an employee-employer agreement. All records, data and other information will be made available for review upon request

21. Is it required to report this loan repayment information anywhere on NYS tax returns (NYS-45 & NYS-45 ATT), IRS returns or employee W-2's?

Answer – Section 10908 of the Patient Protection and Affordable Care Act (PL 111-148) addresses federal taxability of state loan repayment programs that are not part of the Federal State Loan Repayment (SLRP) program. This section puts the state loan repayment programs on par with the federal/state SLRP programs in terms of federal taxability. The relevant text is as follows:

SEC. 10908. EXCLUSION FOR ASSISTANCE PROVIDED TO PARTICIPANTS IN STATE STUDENT LOAN REPAYMENT PROGRAMS FOR CERTAIN HEALTH PROFESSIONALS.

(a) IN GENERAL. —Paragraph (4) of section 108(f) of the Internal Revenue Code of 1986 is amended to read as follows:

"(4) PAYMENTS UNDER NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENT PROGRAM AND CERTAIN STATE LOAN REPAYMENT PROGRAMS.—In the case of an individual, gross income shall not include any amount received under section 338B(g) of the Public Health Service Act, under a State program described in section 338I of such Act, or under any other State loan repayment or loan forgiveness program that is intended to provide for the increased availability of healthcare services in underserved or health professional shortage areas (as determined by such State)."

(b) EFFECTIVE DATE — The amendment made by this section shall apply to amounts received by an individual in taxable years beginning after December 31, 2008.

Based on the above text, loan repayment funds under the OMH CMHLRP should be exempt from federal taxes. However, the above should not be construed as binding tax or legal advice. Please consult your tax professional for more information about your specific tax situation, particularly as it relates to New York State taxes.

22. How many applications can an agency submit?

Answer – Each agency may submit applications for all of their eligible employees. They will be required to provide application priority when applying in batches, however. Applications will be considered incomplete unless this prioritization is provided.

To ensure a fair and equitable access statewide and across programs, applicants will be limited by a total maximum award cap of \$50,000 annually by provider of eligible programs for unrestricted slots only. There is no maximum award cap by provider of eligible programs for set-aside awards.

23. Will OMH provide updates on how many available awards remain by position, setting and/or region?

Answer – OMH may choose to provide publicly posted updates. In the meantime, please reach out to OMH.CMHLRP@omh.ny.gov for any questions you may have regarding availability of awards.

24. How does the \$50,000 total annual award maximum get applied?

Answer – It would apply to the agency system-wide.

25. For Attachment B, the Sexual Harassment Certification Prevention form, what should the solicitation description be? What about offeror?

Answer – For the Solicitation Description, either “OMH Community Mental Health Loan Repayment Program” or “OMH CMHLRP” should be entered. For Offeror, that would be the agency.

26. Is this considered a three-year contract or is it prorated based on length of engaged employment?

Answer – The application is for the full three-year period, and providers that receive awards will enter three-year contracts with OMH unless there is a deferral of obligation. Eligible programs are permitted to authorize participating staff to defer their service obligations (e.g., for maternity/paternity leave, military service, etc.). The eligible programs shall notify OMH in writing and any deferral periods will be added to the term specified in the award. Requests for deferrals should be sent to OMH.CMHLRP@omh.ny.gov.

27. What if two separate agencies apply on behalf of the same employee?

Answer – Employees can only receive one OMH CMHLRP award. Therefore, only the first application would be considered. If both agencies wanted to apply together, please see the answer to question #10.

28. Is a copy of Attachment A intended to be given to each participating employee as an FYI (no signature required)?

Answer – Attachment A is being provided as an example for the required employer-employee agreement. Agencies will have the discretion on how they administer their own employer-employee agreements.

29. If an employee changes from part-time to full-time, will their payment amount be adjusted?

Answer – No.

30. Is there a portal for providers to track participants in this program?

Answer – No, but you can reach out to OMH.CMHLRP@omh.ny.gov to request that information.

31. Can an employee apply on their own behalf?

Answer – No. Agencies may reapply on behalf of employees who applied on their own behalf and were rejected.

32. Who is eligible for the Diversity, Equity, and Inclusion set aside?

Answer – Licensed programs who apply on behalf of Employees with Eligible Job Titles that meet the additional requirements outlined below will qualify for the set aside for diversity, equity, and inclusion:

- Be a member of a group traditionally underrepresented in the mental health field and/or a multilingual eligible professional as defined in the below eligibility requirements.
 - Eligible professionals from the following under-represented groups are eligible:
 - Hispanic (including Cuban, Mexican, Puerto Rican, Latinx and Spanish origin),
 - African American/Black,
 - American Indian/Alaskan Native,
 - Native Hawaiian/Pacific Islander, or
 - Asian (including Indian subcontinent and Philippines origin).
 - Eligible professionals who meet the following language requirements are eligible:
 - Eligible professionals who receive a passing score on a language placement exam, or
 - Eligible professionals who have graduated with a language-specific degree program.

33. Who is eligible for the priority mental health assignments set aside?

Answer – Licensed programs who apply on behalf of Employees with Eligible Job Titles that meet the additional requirements outlined below will qualify for the set aside for priority mental health assignments:

- At least 50% of total work hours must be served at an eligible school-based mental health clinic.

34. What is an eligible school-based mental health clinic?

Answer – OMH licensed mental health clinics and satellite clinics that are located on the grounds of schools or linked with schools. Outpatient mental health clinics are licensed under Article 31 of the NYS Mental Hygiene Law. School-based mental health clinics are generally satellites of a “primary” Article 31 clinic.

35. What if no OMH-licensed programs exist in my County? Can we still apply on behalf of our employees to help address the mental health needs in our area?

Answer – Programs operating in a county with a population of less than 25,000 where no OMH licensed programs exist within said county may submit an application for similar types of OMH funded programs as listed under “Eligible Agencies”. Requests submitted based on these criteria must indicate how these requirements are met in the email with the applications submitted. All other OMH CMHLRP eligibility requirements still apply.