



**Office of
Mental Health**

OMH Community Mental Health Loan Repayment Program (Round 4)

**2024-25 FREQUENTLY ASKED
QUESTIONS**

August 2024

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



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Frequently Asked Questions for OMH CMHLRP Program RFA

Please see below for the most frequently asked questions for Round 4 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 4 of CMHLRP, which specifically are the following: Psychiatrists, Psychiatric Nurse Practitioners (NPs), Psychiatric Physician Assistants (PAs).

Qualification and Eligibility:

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 9](#).*

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

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.

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

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.

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

Providers must be 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.

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

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.

7. The list of Employees with Eligible Job Titles does not include LMSWs, LCSWs, LMFTs, LMHCs, LCATs, etc. Why are these titles excluded?

We are expecting to release another round of CMHLRP soon that will likely include these job titles.

8. Who determines employee eligibility?

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.

9. 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?

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.

Application:

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

No. Individual Employees with Eligible Job Titles cannot participate in both the OMH CMHLRP and any other loan repayment/forgiveness programs simultaneously, i.e., Doctors Across New York (DANY), Public Service Loan Forgiveness (PSLF), or any employee-sponsored student loan repayment/forgiveness program.

11. If an employee applies for other loan repayment or forgiveness programs during the application period, can they choose to participate in CMHLRP once they’ve been approved?

If an eligible professional seeks out other loan repayment options during the application period and is then subsequently approved for an OMH CMHLRP award, they must be able to withdraw from any other loan repayment program before their OMH CMHLRP start date. Failure to do so will result in ineligibility.

12. Can an employee apply on their own behalf?

No. OMH is contracting directly with eligible agencies to provide this funding, who then in turn contract with their eligible employees; so a representative of the agency/employer needs to sign the applications. If an authorized representative of the agency/employer does not sign off on the application and required attestations, then an application will not be considered complete. Agencies may reapply on behalf of employees who applied on their own behalf and were rejected.

13. How many applications can an agency submit?

Each agency may submit applications for all of their eligible employees. They will be required to provide application priority when applying in batches, which means if several applications are submitted at once the employer needs to tell us in what order they want applications considered. 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 \$120,000 annually by provider of eligible.

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

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.

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

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 14 above.

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

The employee award start date is the beginning of the employee's service obligation to receive this award, or when they become fully eligible. Eligibility must be maintained for the duration of the three-year service requirement starting on this date.

If the employee is already on payroll and the application is being used for retention, you may use as early as 9/1/2024. If the application is being used for recruitment, you would use the anticipated employee start date, or licensure date if later. You must notify OMH in writing of any changes should the award start date need to be updated after the application is submitted.

17. 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 February 2025.

The deadline would be an award start date no later than 3/31/2025 for all Round 4 applications.

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

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, awards will be prorated based on the minimum part-time schedule of the eligible professional in the case of a variable schedule; hours worked in excess of the eligible professional's minimum part-time schedule shall not be applied to any other workweek or averaged.

Please refer to the overview for examples.

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

No, there is no minimum number of hours required.

Change in application:

20. 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?

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.

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

No, their payment amount would not be adjusted once an award as been allocated.

22. 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?

Eligible participating 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. Changes in location that result in a change in setting type or a change in OMH Region will be considered on a case-by-case basis. 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.

Regarding program:

23. How will the money be distributed for awards?

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 in full (100%) upon approval of the award and the successful completion of **all** the following:

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

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 January 31st, 2025.

Payment 2 will be made in full (100%) eighteen (18) months after the award start date with Payment 3 will be made in full (100%) twelve (12) months after that, both pending employer attestation to the participating professional's:

- Continued employment and full or part-time clinical capacity schedule;
- Qualifying student loan debt and qualifying loan repayment (as defined in the Round 4 Overview);
 - Participating professionals who enter loan forbearance and/or deferment periods may still be eligible for CMHLRP. If a participating professional is in loan forbearance and/or deferment, please reach out to OMH.CMHLRP@omh.ny.gov
 - Participating professionals who enter loan delinquency and/or default will become ineligible for CMHLRP.
- Continued eligibility for CMHLRP.

24. How does the \$120,000 total annual award maximum get applied?

It would apply to the agency system-wide.

25. Do eligible employees for this Loan Repayment program need to work in a direct care position, or can they be in a leadership role on site at an eligible clinic?

Employees must be working in a Full-Time or Part-Time Clinical Capacity. Full-Time Clinical Capacity is defined as “Providing at least 40 hours of service (with a minimum of 32 clinical hours) per week for at least 45 weeks per year. Unless otherwise approved in writing by OMH, 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. Time spent in on-call status should not be applied toward the 40-hour week. Hours worked in excess of 40 hours per week shall not be applied to any other workweek.” Part-Time Clinical Capacity is defined as “Providing less than 40 hours of service (with a minimum of 80% of those hours of service being clinical hours) per week for at least 45 weeks per year. Unless otherwise approved in writing by OMH, part-time schedules should not be compressed to the point of shifts greater than 12 hours in any 24-hour period. Time spent in on-call status should not be applied toward part-time schedule for purposes of determining a prorated award. Awards will be prorated based on the minimum part-time schedule of the eligible professional in the case of a variable schedule; hours worked in excess of the eligible professional’s minimum part-time schedule shall not be applied to any other workweek or averaged.”

Clinical capacity is defined as “Time spent on direct-care with clients, as well as time spent on documentation and follow-up of these encounters.”

If someone in a leadership role is working some part of their scheduled time in a clinical capacity, they would be eligible for the time they are working in that clinical capacity for a prorated award.

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

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 professionals to defer their service obligations for parental leave, military service, Family and Medical Leave (FMLA), or disability. 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 for any other reason, excluding any reason that would otherwise make a professional ineligible, should be sent to OMH.CMHLRP@omh.ny.gov for approval.

Status updates:

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

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.

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

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.

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

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

Forms:

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

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.

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

For the Solicitation Description, either "OMH Community Mental Health Loan Repayment Program" or "OMH CMHLRP" should be entered. For Offerer, that would be the agency.

32. Is a copy of the Sample Employer-Employee Agreement intended to be given to each participating employee as an FYI (no signature required)?

The Sample Employer-Employee Agreement is being provided as an example. Agencies will have the discretion on how they administer their own employer-employee agreements. Both parties – employer and employee must sign the Employer-Employee Agreement.

33. 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?

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.