May 9, 2018

Judith Cash
Acting Director
State Demonstrations Group
Centers for Medicaid and CHIP Services
Centers for Medicare & Medicaid Services
7500 Security Boulevard, Mail Stop S2-01-16
Baltimore, MD 21244-1850

Dear Ms. Cash:

New York State (NYS or the State) is seeking approval from the federal Centers for Medicare and Medicaid Services (CMS) to amend Section 1115 of the Medicaid Redesign Team (MRT) Waiver. This amendment will waive comparability requirements in order to align with NYS Social Services law (SSL) §367-a (6), thereby continuing to exempt Mainstream Medicaid Managed Care enrollees from cost sharing, except for applicable pharmacy co-payments described in 1115 STC section V(2)(a) and Attachment A. Tribal notice was issued on January 19, 2018, and public notice was published on January 31, 2018. No comments were received.

In July 1997, New York State received approval from the Centers for Medicare and Medicaid Services (CMS) for its Partnership Plan Medicaid Section 1115 Demonstration. In implementing the Partnership Plan Demonstration, it was the State’s goal to:

- Improve access to health care for the Medicaid population;
- Improve the quality of health services delivered;
- Expand access to family planning services; and
- Expand coverage to additional low-income New Yorkers with resources generated through managed care efficiencies.

The primary purpose of the Demonstration was to enroll a majority of the State’s Medicaid population into managed care, and to use a managed care delivery system to deliver benefits to Medicaid recipients, create efficiencies in the Medicaid program and enable the extension of coverage to certain individuals who would otherwise be without health insurance.

The enacted 2011-2012 New York State (NYS) Budget included several significant changes to the Medicaid pharmacy benefit. These changes were proposed as a result of the efforts of the newly commissioned Medicaid Redesign Team (MRT), which was established in January 2011 and charged with reducing costs while increasing quality and efficiency in New York’s Medicaid program.

Prior to October 1, 2011, the pharmacy benefit for Medicaid managed care (MMC) enrollees was provided through Medicaid fee-for-service (FFS). MMC enrollees were required to pay a co-pay for the prescriptions, unless otherwise exempt from paying these prescription co-pays. On October 1, 2011, coverage of the pharmacy benefit was shifted from FFS to MMC, where MMC enrollees were required to pay the same co-pays as were required in FFS. There is no need to modify the evaluation design to incorporate this amendment provision, as the activity related to amendment provision has been ongoing since October 1, 2011.
The exclusion of Mainstream Medicaid Managed Care (MMC) enrollees from cost sharing is a long-standing program design element intended to remove barriers to care. This current practice, of not applying non-pharmacy co-pays reduces the administrative burden for providers, and thus helps maintain the provider network. Additionally, it is consistent with CMS approved capitated rate assumptions, and the language approved by CMS in the 1115 STC, Attachment A, which only lists pharmacy co-pays. The absence of non-pharmacy co-pays presumes that non-pharmacy copays are not applied for Mainstream Medicaid Managed Care enrollees.

Regarding the impact of the proposed amendment on 1115 waiver budget neutrality, the State’s position is that no further data analysis is required. With this amendment, New York is adding language at CMS request to clarify existing state policy within the Standard Terms and Conditions document. “With” and “without waiver” expenditures are not impacted by the amendment as New York’s current Mainstream Medicaid Managed Care (MMMC) rates, as approved by CMS, already reflect the proposed change. Non-pharmacy co-pays cannot be appropriately removed from the “without waiver” calculation to demonstrate budget neutrality impact because these co-pays were not a factor in the initial “without waiver” calculation. No changes to the current state of the waiver’s budget neutrality are needed as a result of the implementation of this waiver amendment because the amendment does not materially alter the conditions of the waiver.

New York State appreciates CMS’ willingness to review the State’s request and consideration in waiving the above comparability requirements. As always, my staff are available to discuss this issue with you more thoroughly. If there are any questions, please contact Patricia Sheppard at (518) 473-1134 or e-mail at: patricia.sheppard@health.ny.gov.

Sincerely,

Jonathan Bick
Director
Division of Health Plan Contracting and Oversight
Office of Health Insurance Programs

cc: Adam Goldman (NY’s CMS Project Officer)
    Vennetta Harrison (CMS)
    Sean Hightower (CMS)
    Donna Frescatore (NYSDOH)
    Priscilla Smith (NYSDOH)

Enclosures
MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

Pursuant to provisions of the Abandoned Property Law and related laws, the Office of the State Comptroller receives unclaimed monies and other property deemed abandoned. A list of the names and last known addresses of the entitled owners of this abandoned property is maintained by the office in accordance with Section 1406 of the Abandoned Property Law. Interested parties may inquire if they appear on the Abandoned Property Listing by contacting the Office of Unclaimed Funds, Suite 146, South Concourse, Empire State Plaza, Albany, NY 122236.

Claims for abandoned property must be filed with the New York State Comptroller’s Office of Unclaimed Funds as provided in Section 1406 of the Abandoned Property Law. For further information contact: Office of the State Comptroller, Office of Unclaimed Funds, 110 State St., Albany, NY 12236.

PUBLIC NOTICE

Office of the State Comptroller, Office of Unclaimed Funds, 110 State St., Albany, NY 12236.

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1-800-221-9311 or visit our web site at: www.osc.state.ny.us

For further information, contact: Office of Commission Operations, Department of Civil Service, Empire State Plaza, Agency Bldg. 1, Albany, NY 12239, (518) 473-6598

PUBLIC NOTICE

Department of Civil Service

PURSUANT to the Open Meetings Law, the New York State Civil Service Commission hereby gives public notice of the following:

Please take notice that the regular monthly meeting of the State Civil Service Commission for February 2018 will be conducted on February 13 commencing at 10:00 a.m. This meeting will be conducted at NYS Media Services Center, Suite 146, South Concourse, Empire State Plaza, Albany, NY with live coverage available at http://www.cs.ny.gov/commission/.

For further information, contact: Office of Commission Operations, Department of Civil Service, Empire State Plaza, Agency Bldg. 1, Albany, NY 12239, (518) 473-6598

PUBLIC NOTICE

Office of Commission Operations, Department of Civil Service, Empire State Plaza, Agency Bldg. 1, Albany, NY 12239, (518) 473-6598

The New York State Department of Health is submitting a request to the federal Center for Medicare and Medicaid Services (CMS) to amend Section 1115 of the Medicaid Redesign Team (MRT) Waiver. Effective immediately, New York is seeking approval with the demonstration amendment to:

- Waive comparability requirements in order to align with New York State Social Services law § 367-a(6), thereby continuing to exempt Mainstream Medicaid Managed Care enrollees from cost sharing, except for applicable pharmacy co-payments.

Additional information concerning the MRT Waiver and any amendment requests can be obtained by writing to: Office of Health Insurance Programs, One Commerce Plaza, Suite 1208, attention: Waiver Management Unit, Albany, NY 12237 or by e-mail: 1115waivers@health.ny.gov

Written comments concerning the amendment will be accepted at the above address for a period of thirty (30) days from the date of this notice.

MRT Waiver information is also available to the public online at: https://www.health.ny.gov/health_care/medicaid/redesign/medicaid_waiver_1115.htm

PUBLIC NOTICE

Office of Mental Health and Department of Health

Pursuant to 42 CFR Section 447.205, the Office of Mental Health and the Department of Health hereby give public notice of the following:

The Office of Mental Health and the Department of Health propose to amend the Title XIX (Medicaid) State Plan for institutional services related to temporary rate adjustments to Article 28 Hospitals that are undergoing a closure, merger, consolidation, acquisition or restructuring of themselves or other health care providers. These payments are currently authorized by Public Health Law Section 2826. This notice clarifies the notice previously published on December 13, 2017. The following changes are proposed:

- Additional temporary rate adjustments have been reviewed and approved for the following hospitals:
  - Bassett Medical Center

The aggregate payment amounts total up to $215,339 for the period January 1, 2018 through March 31, 2018.

The aggregate payment amounts total up to $861,356 for the period April 1, 2018 through March 31, 2019.

The aggregate payment amounts total up to $861,356 for the period April 1, 2019 through March 31, 2020.

The aggregate payment amounts total up to $646,022 for the period April 1, 2020 through March 31, 2021.

The public is invited to review and comment on this proposed State Plan Amendment. Copies of which will be available for public review on the Department of Health's website at http://www.health.ny.gov/regulations/state_plans/status/

Copies of the proposed State Plan Amendments will be on file in each local (county) social services district and available for public review.

For the New York City district, copies will also be available at the following places:

New York County
250 Church Street
New York, New York 10018

Queens County, Queens Center
3220 Northern Boulevard
Long Island City, New York 11101

Kings County, Fulton Center
114 Willoughby Street
Brooklyn, New York 11201

Bronx County, Tremont Center
1916 Monterey Avenue
Bronx, New York 10457

Richmond County, Richmond Center

For further information, contact: Office of Health Insurance Programs, One Commerce Plaza, Suite 1208, attention: Waiver Management Unit, Albany, NY 12237 or by e-mail: 1115waivers@health.ny.gov

Written comments concerning the amendment will be accepted at the above address for a period of thirty (30) days from the date of this notice.
PUBLIC NOTICE
Office of Mental Health and Department of Health

Pursuant to 42 CFR Section 447.205, the Office of Mental Health and the Department of Health hereby give public notice of the following:

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Additional temporary rate adjustments have been reviewed and approved for the following hospitals:

- United Health Services Hospitals, Inc.

The aggregate payment amounts total up to $452,987 for the period January 1, 2018 through March 31, 2018.

The aggregate payment amounts total up to $1,811,948 for the period April 1, 2018 through March 31, 2019.

The aggregate payment amounts total up to $1,811,948 for the period April 1, 2019 through March 31, 2020.

The aggregate payment amounts total up to $1,358,965 for the period April 1, 2020 through March 31, 2021.

The public is invited to review and comment on this proposed State Plan Amendment. Copies of which will be available for public review on the Department of Health’s website at http://www.health.ny.gov/regulations/state_plans/status.

Copies of the proposed State Plan Amendments will be on file in each local (county) social services district and available for public review.

For the New York City district, copies will also be available at the following places:

New York County
250 Church Street
New York, New York 10018

Queens County, Queens Center
3220 Northern Boulevard
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Kings County, Fulton Center
114 Willoughby Street
Brooklyn, New York 11201

Bronx County, Tremont Center
1916 Monterey Avenue
Bronx, New York 10457

Richmond County, Richmond Center
95 Central Avenue, St. George
Staten Island, New York 10301

For further information and to review and comment, please contact:
Department of Health, Division of Finance and Rate Setting, 99 Washington Ave., One Commerce Plaza, Suite 1460, Albany, NY 12210, spa_inquiries@health.ny.gov

PUBLIC NOTICE
Oneida-Herkimer Solid Waste Authority

On December 18, 2017 Oneida-Herkimer Solid Waste Authority awarded a contract to RRT Design and Construction pursuant to section one hundred twenty-w of the general municipal law for the design, procurement, construction and installation of a new Source Separated Organics Processing Facility. The validity of this contract or the procedures which led to its award may be hereafter contested only by action, suit, or proceeding commenced within sixty days after the date of this notice and only upon the ground or grounds that: (1) such award or procedure was not authorized pursuant to this section, or (2) any of the provisions of this section which should be complied with at the date of this publication have not been substantially complied with, or (3) a conflict of interest can be shown in the manner in which the contract was awarded; or by action, suit or proceeding commenced on the grounds that such contract was awarded in violation of the provisions of the Constitution.

Contact: James V. Biamonte, Contract Officer, Oneida-Herkimer Solid Waste Authority, 1600 Genesee St., Utica, NY 13502

PUBLIC NOTICE
Department of State
F-2017-0708

Date of Issuance – January 17, 2018

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. The applicant’s consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York. Electronic copies of the submission can also be downloaded at: http://www.dos.ny.gov/opd/programs/pdfs/ConsistencyF-2017-0708_PN.pdf

In F-2017-0708, William Witzke of Albertson Marine, Inc., is proposing to reconstruct an existing Wave Wall, widen an existing boat launch runway and install a low-sill bulkhead at Albertson Marine’s marina located at 61500 Route 25 (Main Road) in the town of Southold, Suffolk County. The stated purpose for reconstructing the wave wall is to maintain the level of storm protection the wall currently provides into the future. Widening the existing boat launch runway will provide for safer and more efficient use of the existing boat launch. The stated purpose of the low-sill bulkhead is to maintain shoreline and contiguous navigability within the marina.

Any interested parties and/or agencies desiring to express their
views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or, February 2, 2018.

Comments should be addressed to the Consistency Review Unit, Department of State, Office of Planning and Development, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE
Department of State
F-2017-0904

Date of Issuance – January 31, 2018

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. The applicant’s consistency certification and accompanying public information and data are available for inspection on the New York State Department of State’s website at: http://www.dos.ny.gov/odp/programs/pdfs/ConsistencyF-2017-0904LarryMalcolmShorelineErosionProtection.pdf

In F-2017-0904, “Larry Malcolm Shoreline Erosion Protection”, the applicant – Larry Malcolm – proposes to construct a bio-engineered berm. The 300 feet long by 2-3 feet wide berm is proposed with the intent of protecting against flooding and erosion. An elevated walkway measuring approximately 120 feet long by 4 feet wide is proposed for access to the river. The project is located at 19957 Blue Heron Lane in the Town of Alexandria Bay, Jefferson County, New York on the St. Lawrence River. The stated purpose of the project is to “construct an earthen berm/bio-engineered bank to protect against flooding and erosion and to access the river.”

Any interested parties and/or agencies desiring to express their views concerning the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or, March 2, 2018.

Comments should be addressed to the Consistency Review Unit, Department of State, Planning, Development and Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE
Department of State
F-2017-1021

Date of Issuance – January 31, 2018

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. The applicant’s consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York. Electronic copies of the submission can also be downloaded at: http://www.dos.ny.gov/odp/programs/pdfs//ConsistencyF-2017-1021_PN.pdf

In F-2017-1021, Matthew Hardy, is proposing to construct a 1,531 square foot over the water pile supported deck at 602 Riverside Drive, also known as Bella’s, in the Village of Clayton, Jefferson County. The stated purpose of the proposed structure is to provide overflow from the restaurant to a lounge area on the water.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or, March 2, 2018.

Comments should be addressed to the Consistency Review Unit, Department of State, Office of Planning and Development, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE
Susquehanna River Basin Commission

Actions Taken at December 8, 2017, Meeting

SUMMARY: As part of its regular business meeting held on December 8, 2017, in Annapolis, Maryland, the Commission took the following actions: 1) approved or tabled the applications of certain water resources projects; and 2) took additional actions, as set forth in the Supplementary Information below.

DATES: December 8, 2017.

ADDRESSES: Susquehanna River Basin Commission, 4423 N. Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel, telephone: 717-238-0423, ext. 1312; fax: 717-238-2436; joyler@srbc.net. Regular mail inquiries may be sent to the above address. See also Commission website at www.srbc.net.

SUPPLEMENTARY INFORMATION: In addition to the actions taken on projects identified in the summary above and the listings below, the following items were also presented or acted upon at the business meeting: 1) adoption of a resolution urging President Trump and the United State Congress to provide full funding for the national Groundwater and Streamflow Information Program, thereby supporting the Susquehanna Flood Forecast & Warning System; 2) adoption of amended Commission’s By-laws and Procedures to reflect revisions to officers’ duties, clarification of budget and financial procedures, and other changes in accordance with the Susquehanna River Basin Compact; 3) approval of a grant amendment and acceptance of a contribution; 4) adoption of final rules, subject to final member jurisdiction review, pertaining to the amendment of Commission regulations to codify and strengthen the Commission’s Access to Records Policy.

Project Applications Approved:
The Commission approved the following project applications:

1. Project Sponsor and Facility: Beech Creek Borough Authority, Beech Creek Borough, Clinton County, Pa. Renewal of groundwater withdrawal of up to 0.220 mgd (30-day average) from Well 2 (Docket No. 19870602).

2. Project Sponsor and Facility: Cabot Oil & Gas Corporation (Meshoppen Creek), Lemon Township, Wyoming County, Pa. Modification to increase surface water withdrawal by an additional 0.500 mgd (peak day), for a total surface water withdrawal of up to 1.000 mgd (peak day) (Docket No. 20170702).

3. Project Sponsor and Facility: Chesapeake Appalachia, L.L.C. (Susquehanna River), Athens Township, Bradford County, Pa. Renewal of surface water withdrawal of up to 0.750 mgd (peak day) (Docket No. 20131202).

4. Project Sponsor and Facility: Houtsdale Municipal Authority, Gulich Township, Clearfield County, Pa. Groundwater withdrawal of up to 1.008 mgd (30-day average) from Well 14R.

5. Project Sponsor and Facility: LHP Management, LLC (Fishing Creek), Bald Eagle Township, Clinton County, Pa. Surface water withdrawal of up to 0.999 mgd (peak day).

6. Project Sponsor and Facility: Martinsburg Municipal Authority,
North Woodbury Township, Blair County, Pa. Renewal of groundwater withdrawal of up to 0.346 mgd (30-day average) from Wineland Well 3 (Docket No. 19870304).

7. Project Sponsor and Facility: Borough of Mifflinburg, West Buffalo Township, Union County, Pa. Modification to request a reduction in the withdrawal rate of Well PW-2 from 0.554 mgd to 0.396 mgd (30-day average), and to eliminate wetlands monitoring condition (Docket No. 20141203).

8. Project Sponsor and Facility: Repsol Oil & Gas USA, LLC (Choconut Creek), Choconut Township, Susquehanna County, Pa. Renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20131211).


10. Project Sponsor and Facility: SWN Production Company, LLC (Lycoming Creek), Lewis Township, Lycoming County, Pa. Renewal of surface water withdrawal of up to 0.500 mgd (peak day) (Docket No. 20131209).

11. Project Sponsor and Facility: SWN Production Company, LLC (Lycoming Creek), McIntyre Township, Lycoming County, Pa. Renewal of surface water withdrawal of up to 0.500 mgd (peak day) (Docket No. 20131210).

12. Project Sponsor and Facility: Village of Waverly, Tioga County, N.Y. Groundwater withdrawal of up to 0.320 mgd (30-day average) from Well 1.

13. Project Sponsor and Facility: Village of Waverly, Tioga County, N.Y. Groundwater withdrawal of up to 0.480 mgd (30-day average) from Well 2.

14. Project Sponsor and Facility: Village of Waverly, Tioga County, N.Y. Groundwater withdrawal of up to 0.470 mgd (30-day average) from Well 3.

Project Applications Tabled:
The Commission tabled action on the following project applications:

1. Project Sponsor and Facility: Brymac, Inc. dba Mountain View Country Club (Pond 3/4), Harris Township, Centre County, Pa. Application for surface water withdrawal of up to 0.240 mgd (peak day).

2. Project Sponsor and Facility: Cabot Oil & Gas Corporation (East Branch Tunkhannock Creek), Lenox Township, Susquehanna County, Pa. Application for surface water withdrawal of up to 1.000 mgd (peak day).


Dated: January 9, 2018.
Stephanie L. Richardson,
Secretary to the Commission.
January 19, 2018

Dear Colleague:

This letter is to inform you of our intent to submit a request to the Centers for Medicare and Medicaid Services (CMS) to amend Section 1115 of the Medicaid Redesign Team (MRT) Waiver. This amendment will waive comparability requirements in order to align with New York State Social Services law §367-a (6), thereby continuing to exempt Mainstream Medicaid Managed Care enrollees from cost sharing, except for applicable pharmacy co-payments.

As you know, under the State’s Section 1115 Demonstration programs, Native Americans with Medicaid coverage may enroll in Medicaid managed care plans but are not required to do so. This exemption from mandatory enrollment for Native Americans will continue. In addition, existing policies related to Native Americans who choose to enroll in Medicaid managed care plans will continue. The continued exemption of copayments for Medicaid managed Care enrollees, excluding applicable pharmacy copays is not applicable to Tribal Nations.

I appreciate the opportunity to share this information with you and look forward to responding to any comments or concerns that you may have. Please forward your comments or concerns to the Waiver Management Unit email at: 1115waivers@health.ny.gov. We look forward to our continued collaboration.

Sincerely,

Jonathan Bick
Director
Division of Health Plan Contracting and Oversight
Office of Health Insurance Programs

cc: Regina Bryde (DOH)
    Priscilla Smith (DOH)
    Vennetta Harrison (CMS)
    Sean Hightower (CMS)