



Department of Health and Human Services
Centers for Medicare & Medicaid Services
Region II
26 Federal Plaza Rm. 37-100
New York, N.Y. 10278

September 22, 2010

Donna Frescatore, Deputy Commissioner
Medicaid Director
Office of Health Insurance Programs
New York State Department of Health
Corning Tower
Empire State Plaza
Albany, New York 12237

Dear Ms. Frescatore:

CMS has completed its review of New York's State Plan Amendment (SPA) 10-14, "Estate Recovery for Medicare Savings Programs." This SPA was submitted in order to comply with the provisions of section 115 of the Medicare Improvements for Patients and Providers Act (MIPPA) of 2008. Based on our review and the changes made by the State during the review, SPA 10-14 is approved, with an effective date of April 1, 2010.

The pages originally submitted by the State were replaced by the revised pages submitted via e-mail on August 17, 2010. In addition, by means of an e-mail dated August 19, 2010, the State agreed to a pen-and-ink change to the CMS-179 form. The pen-and-ink change adds to the text in item 10 of the CMS-179 so that it now reads: **Estate Recovery for Medicare Savings Program: Exemption of Medicare cost-sharing benefits paid under MSP for estate recovery. Exemption only extends to benefits with dates of service on or after January 1, 2010 for qualified dual eligibles age 55 and over.**

Copies of the approved State Plan pages and the signed CMS-179 form are enclosed.

If you have any questions, please contact Patricia Ryan of my staff at 212-616-2436.

Sincerely,

/s/

Sue Kelly
Associate Regional Administrator
Division of Medicaid and Children's Health

Enclosures

