

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
Jacob K. Javits Federal Building
26 Federal Plaza
Room 37-100
New York, New York 10278-0063



September 13, 2011

Jason A. Helgeson, Deputy Commissioner
Office of Health Insurance Programs
New York State Department of Health
Corning Tower—Room 1441
Empire State Plaza
Albany, New York 12237

Dear Mr. Helgeson:

We have completed our review of New York State Plan Amendment submittal 08-45, "Medically Needy Income and Resource Standard, Exclusion of Census Wages and Foster Care Children" (Attachment 2.2-A, Page 23g; Supplement 1 to Attachment 2.6-A, Pages 8 and 9; Supplement 2 to Attachment 2.6-A, Page 7; Supplement 8A to Attachment 2.6-A; Pages 3, 3a and Addendum) and find it acceptable for incorporation into New York's Medicaid Plan, effective April 1, 2008. Enclosed please find copies of State Plan Amendment 08-45 and Form CMS-179.

Please note that we have substituted the originally submitted pages with the revised pages submitted with New York's August 30, 2011 response to our September 17, 2008 Request for Additional Information and the State's August 31, 2011 e-mail.

If you have any questions or wish to discuss this further, please contact Patricia Ryan of my staff at 212-616-2436.


Michael Melendez
Associate Regional Administrator
Division of Medicaid and Children's Health

Enclosures

TRANSMITTAL AND NOTICE OF APPROVAL OF STATE PLAN MATERIAL		1. TRANSMITTAL NUMBER: 08-45	2. STATE New York
FOR: HEALTH CARE FINANCING ADMINISTRATION		3. PROGRAM IDENTIFICATION: TITLE XIX OF THE SOCIAL SECURITY ACT (MEDICAID)	
TO: REGIONAL ADMINISTRATOR HEALTH CARE FINANCING ADMINISTRATION DEPARTMENT OF HEALTH AND HUMAN SERVICES		4. PROPOSED EFFECTIVE DATE April 1, 2008	
5. TYPE OF PLAN MATERIAL (Check One): <input type="checkbox"/> NEW STATE PLAN <input type="checkbox"/> AMENDMENT TO BE CONSIDERED AS NEW PLAN <input checked="" type="checkbox"/> AMENDMENT			
COMPLETE BLOCKS 6 THRU 10 IF THIS IS AN AMENDMENT (Separate Transmittal for each amendment)			
6. FEDERAL STATUTE/REGULATION CITATION: Section 1902(a)(10)(C)(i)(III) of the Social Security Act Section 1902(r)(2) of the Social Security Act Section 1905(w) of the Social Security Act		7. FEDERAL BUDGET IMPACT: a. FFY 04/1/08-9/30/08 \$1.28 million b. FFY 10/1/08-9/30/09 \$2.57 million	
8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT: Att 2.2-A: Page 23g Supp 1 to Att 2.6-A: Pages 8, 9 Supp 2 to Att 2.6-A: Page 7 Supp 8A to Att 2.6-A: Pages 3, 3a, ADDENDUM		9. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable): Supp 1 to Att 2.6-A: Pages 8, 9 Supp 2 to Att 2.6-A: Page 7 Supp 8A to Att 2.6-A: Pages 3, 3a, ADDENDUM	
10. SUBJECT OF AMENDMENT: Medically Needy Income and Resource Standard, Exclusion of 2010 Census Wages, Foster Care Children (FMAP = 50%)			
11. GOVERNOR'S REVIEW (Check One): <input checked="" type="checkbox"/> GOVERNOR'S OFFICE REPORTED NO COMMENT <input type="checkbox"/> OTHER, AS SPECIFIED: <input type="checkbox"/> COMMENTS OF GOVERNOR'S OFFICE ENCLOSED <input type="checkbox"/> NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL			
12. STATE AGENCY OFFICIAL:		16. RETURN TO: New York State Department of Health Corning Tower Empire State Plaza Albany, New York 12237	
13. TYPED NAME: Jason A. Helgerson			
14. TITLE: Medicaid Director & Deputy Commissioner Department of Health			
15. DATE SUBMITTED: August 30, 2011			
FOR REGIONAL OFFICE USE ONLY			
17. DATE RECEIVED:		18. DATE APPROVED: September 13, 2011	
PLAN APPROVED - ONE COPY ATTACHED			
19. EFFECTIVE DATE OF APPROVED MATERIAL: April 1, 2008		20. SIGNATURE OF REGIONAL OFFICIAL:	
21. TYPED NAME: Michael Melendez		22. TITLE: Associate Regional Administrator Division of Medicaid and State Operations	
23. REMARKS: NYS SPA 08-45 proposes to increase the Medically Needy Income and Resource Standards As well as exclude census wages. Additionally, NY proposes to cover the optional group of foster care adolescents under the age of 21 who were in foster care under the responsibility of the State on their 18th birthday. Delay in approval of this SPA was a result of gridlock caused by NY-SPA-08-44 which was ultimately approved.			

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4. All wages paid by the Census Bureau for temporary employment related to Census activities are excluded for the following eligibility groups:
- 1902(a)(10)(A)(i)(III) – Qualified children, qualified pregnant women as defined in 1905(n);
 - 1902(a)(10)(A)(i)(IV) – Poverty level pregnant women and infants under age one as defined in 1902(l)(1)(A) and (B);
 - 1902(a)(10)(A)(i)(VI) – Poverty level children age 1 up to age 6 as defined by 1902(l)(1)(C);
 - 1902(a)(10)(A)(i)(VII) – Poverty level related children aged 6 up to 19 as defined by 1902(l)(1)(D);
 - 1902(a)(10)(A)(ii)(I), (II), and (IV) the populations defined by 1905(a)(i) children, (ii) parents and other caretaker relatives, and (viii) pregnant women;
 - 1902(a)(10)(A)(ii)(IX) Poverty-related pregnant women and infants;
 - 1902(a)(10)(A)(ii)(XV) – Working individuals with disabilities Basic Coverage Group TWWIIA;
 - 1902(a)(10)(A)(ii)(XVI) – Working Individuals with disabilities - Employed Medically Improved Individuals TWWIIA;
 - 1902(a)(10)(C)(Medically Needy) – 435.301(b)(1) AFDC related medically needy, 435.308 medically needy under age 21, 435.310 specified relatives, 435.320 aged, 435.322 blind, 435.324 disabled; and
 - 1905(p) – OMBs, SLMBs, QIs.
5. In determining the Medicaid eligibility of persons under Section 1902(a)(10)(c) of the Social Security Act, disregard monthly income that falls between:
The difference between the income limits required by Section 1903(f) of the Act and the combined monthly federal and state income standard for SSI-eligible individuals and couples multiplied by twelve and rounded up to the next highest one hundred dollars.]

TN#: 08-45

Approval Date: SEP 13 2011

Supersedes TN#: 08-07

Effective Date: APR 01 2008

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**STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
State: New York**

Resource Levels (Continued)

**B. Medically Needy
Applicable to all groups-**

____ Except those specified below under the provision of section 1902 (f) of the Act.

<u>1</u>	\$ <u>4,350</u>
<u>2</u>	\$ <u>6,400</u>
<u>3</u>	\$ <u>6,600</u>
<u>4</u>	\$ <u>6,650</u>
<u>5</u>	\$ <u>6,700</u>
<u>6</u>	\$ <u>6,800</u>
<u>7</u>	\$ <u>7,650</u>
<u>8</u>	\$ <u>8,500</u>
<u>9</u>	\$ <u>9,350</u>
<u>10</u>	\$ <u>10,200</u>

For each additional person \$ 850

The annual Medically Needy resource standard is equal to 150% of the annual Medically Needy income standard, by family size.

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STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: **New York**

Income Levels (Continued)

D. Medically Needy

Applicable to all groups.

Applicable to all groups except those specified below. Exempted group income levels are also listed on the attached page 3.

(1)	(2)	(3)	(4)	(5)
Family Size	Net income level protected for maintenance for ___ months.	Amount by which column (2) exceeds limits specified in 42 CFR 435.1007	Net income for persons living in rural areas for ___ months.	Amount by which column (4) exceeds limits specified 42 CFR 435.1007
<input type="checkbox"/>	Urban Only			
<input type="checkbox"/>	Urban & Rural			
1	[\$ 8,300*] <u>\$ 8,700</u>	\$	\$	\$
2	[\$10,400*] <u>\$ 12,800</u>	\$	\$	\$
3	[\$ 12,300*] <u>\$14,800</u>	\$	\$	\$
4	[\$13,300] <u>\$ 16,700</u>	\$	\$	\$

[* New York is using an income disregard under Section 1902(r)(2) to allow income for households of one, two and three to be up to \$8,700, \$12,800 and \$13,200, respectively.]

TN#: 08- 45

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**STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
State: New York**

Income Levels (Continued)

D. Medically Needy

(1)	(2)	(3)	(4)	(5)
Family Size	Net income level protected for maintenance for _____ months.	Amount by which column (2) exceeds limits specified in 42 CFR 435.1007	Net income for persons living in rural areas for _____ months.	Amount by which column (4) exceeds limits specified in 42 CFR 435.1007
	____ Urban Only			
	____ Urban & Rural			
5	[\$13,400] <u>\$ 18,600</u>	\$	\$	\$
6	[\$13,600] <u>\$ 20,500</u>	\$	\$	\$
7	[\$15,300] <u>\$ 22,400</u>	\$	\$	\$
8	[\$17,000] <u>\$ 24,400</u>	\$	\$	\$
9	[\$18,700] <u>\$ 26,300</u>	\$	\$	\$
10	[\$20,400] <u>\$ 28,200</u>	\$	\$	\$
For each additional Person add	[\$1,700] <u>\$ 1,900</u>	\$	\$	\$

TN#: 08-45

Approval Date: SEP 13 2011

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Effective Date: APR 01 2008

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[SUPPLEMENT 8A to Attachment 2.6-A
ADDENDUM]
OMB No. 0938-

[STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: New York

**LESS RESTRICTIVE METHODS OF TREATING INCOME
UNDER SECTION 1902 (r)(2) OF THE ACT**

 x For all eligibility groups not subject to the limitations on payment explained in section 1903(f) of the Act*: All wages paid by the Census Bureau for temporary employment related to Census 2000 activities are excluded.

* Less restrictive methods may not result in exceeding gross income limitations under section 1903(f).]

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Approval Date: SEP 13 2011

Supersedes TN#: 00-09

Effective Date: APR 01 2008