

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



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August 24, 2012

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 11-75, "Income disregard for children 6-18 years of age, with income between 100% and 133% of the Federal Poverty Level" and find it acceptable for incorporation into New York's Medicaid Plan, effective November 1, 2011. Enclosed please find copies of State Plan Amendment 11-75 and Form CMS-179.

Please note that as requested, we have substituted the originally submitted CMS-179 and plan pages with the revised CMS-179 and plan pages submitted to our office via e-mail on July 18, 2012.

If you have any questions or wish to discuss this further, please contact Kanoena Cook of my staff at 212-616-2210.

Sincerely,



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

Enclosures

<b>TRANSMITTAL AND NOTICE OF APPROVAL OF STATE PLAN MATERIAL</b>  <b>FOR: HEALTH CARE FINANCING ADMINISTRATION</b>		1. TRANSMITTAL NUMBER: #11-75	2. STATE New York
		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 November 1, 2011	
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: 1902(a)(10)(A)(i)(VII)		7. FEDERAL BUDGET IMPACT: a. FFY 11/01/11-09/30/12 \$3,060,000 b. FFY 10/01/12-09/30/13 \$3,340,000	
8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT:  Supplement 1 to Attachment 2.6-A: Page 3 Supplement 8A to Attachment 2.6-A: Page 3a  **SEE REMARKS BELOW		9. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable):  Supplement 1 to Attachment 2.6-A: Page 3 Supplement 8A to Attachment 2.6-A: Page 3a	
10. SUBJECT OF AMENDMENT: Income disregard for children 6-18 years of age, with income between 100% and 133% of the Federal Poverty Level. (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. SIGNATURE OF STATE AGENCY OFFICIAL: 		16. RETURN TO: New York State Department of Health Corning Tower Empire State Plaza Albany, New York 12237	
13. TYPED NAME: 			
14. TITLE: Medicaid Director & Deputy Commissioner Department of Health			
15. DATE SUBMITTED: July 18, 2012			
<b>FOR REGIONAL OFFICE USE ONLY</b>			
17. DATE RECEIVED:		18. DATE APPROVED: August 24, 2012	
<b>PLAN APPROVED – ONE COPY ATTACHED</b>			
19. EFFECTIVE DATE OF APPROVED MATERIAL: November 1, 2011		20. SIGNATURE OF REGIONAL OFFICIAL: 	
21. TYPED NAME: Michael Melendez		22. TITLE: Associate Regional Administrator Division of Medicaid and State Operations	
23. REMARKS:  <b>** By means of this SPA New York State proposes, as of November 1, 2011, to disregard the difference between 100% and 133% of the Federal Poverty Level for children who have attained 6 years of age but have not attained 19 years of age.</b>			

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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) - QMBs, SLMBs, QIs.
5. In determining eligibility for children who have attained 6 years of age but have not attained 19 years of age, as referenced under 1902(a)(10)(A)(i)(VII), disregard the difference between 100% and 133% of the Federal Poverty Level by family size as revised annually in the Federal Register.

TN#:                   #11-75                  

Approval Date:           AUG 24 2012          

Supersedes TN#:           #08-45          

Effective Date:           NOV 01 2011

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**State: New York**

**STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT**

**INCOME ELIGIBILITY LEVELS (Continued)**

**A. MANDATORY CATEGORICALLY NEEDY (continued)**

4. Children from ages 6 [to 19] through 18 under the provisions of [1902(l)(2)] 1902(a)(10)(A)(i)(VII) of the Act.

Based on 100 percent of the official Federal Income Poverty level (as revised annually in the Federal Register for the size family involved.)\*

\*A State Plan amendment was approved under section 1902(r)(2) to allow for a disregard of income between 100% and 133% of the poverty level for children ages 6 through 18.

**TN#:**           #11-75          

**Approval Date:**           AUG 24 2012          

**Supersedes TN#:**           #05-16          

**Effective Date:**           NOV 01 2011