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## **Table of Contents**

**State/Territory Name: New York**

**State Plan Amendment (SPA) #: NY-14-0005**

This file contains the following documents in the order listed:

- 1) Approval Letter
- 2) SPA Summary Form
- 3) Approved SPA Pages
- 4) Additional Attachments that are part of the state plan

The complete title XXI state plan for New York consists of the most recent state plan posted on Medicaid.gov under CHIP and State Plan Amendments. The link is provided below. The following approved templates are in addition to, or replace sections of the state's posted current state plan. The attached approval letter(s) explain how these templates fit into that state plan.

Link to state title XXI state plans and amendments: <http://medicaid.gov/chip/state-program-information/chip-state-program-information.html>

DEPARTMENT OF HEALTH & HUMAN SERVICES  
Centers for Medicare & Medicaid Services  
7500 Security Boulevard, Mail Stop: S2-01-16  
Baltimore, Maryland 21244-1850



**Children and Adults Health Programs Group**

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FEB 03 2015

Judith Arnold  
Director  
Division of Coverage and Enrollment  
Office of Health Insurance Programs  
State of New York Department of Health  
Corning Tower, Empire State Plaza  
Albany, NY 12237-0004

Dear Ms. Arnold:

I am pleased to inform you that the Centers for Medicare & Medicaid Services (CMS) has approved your title XXI Children's Health Insurance Program (CHIP) state plan amendment (SPA) number NY-14-0005, submitted on February 26, 2014. This SPA has an effective date of January 1, 2014.

The SPA number NY-14-0005 is approved to clarify the state's non-financial eligibility policies on residency, citizenship, social security numbers, substitution of coverage, non-payment of premiums, continuous eligibility, and presumptive eligibility. Copies of the approved state plan pages are attached and these approved pages supersede sections of New York's current state plan as detailed below:

New State Plan Page	Impact on Current State Plan Section
CS17: Non-Financial Eligibility – Residency	Section 4.1.5
CS18: Non-Financial Eligibility – Citizenship	Section 4.1.0; 4.1-LR; 4.1.1-LR
CS19: Non-Financial Eligibility – Social Security Number	Section 4.1.9.1
CS20: Non-Financial Eligibility – Substitution of Coverage	Section 4.4.4
CS21: Non-Financial Eligibility – Non-Payment of Premiums	Section 8.7
CS27: General Eligibility – Continuous Eligibility	Section 4.1.8
CS28: General Eligibility - Presumptive Eligibility for Children	Section 4.3.2

Your title XXI project officer is Ms. Stacey Green. She is available to answer questions concerning this amendment and other CHIP-related issues. Ms. Green's contact information is as follows:

Centers for Medicare & Medicaid Services  
Center for Medicaid and CHIP Services  
Division of State Coverage Programs  
Mail Stop: S2-01-16  
7500 Security Boulevard  
Baltimore, MD 21244-1850  
Telephone: (410) 786-6102  
Facsimile: (410) 786-5882  
E-mail: [Stacey.green@cms.hhs.gov](mailto:Stacey.green@cms.hhs.gov)

Official communications regarding program matters should be sent simultaneously to Ms. Green and to Mr. Michael Melendez, Associate Regional Administrator (ARA) in our New York Regional Office. Mr. Melendez's address is:

Centers for Medicare & Medicaid Services  
26 Federal Plaza, Room 3811  
New York, NY 10278-0063

If you have additional questions, please contact Ms. Kelly D. Whitener, Director, Division of State Coverage Programs, at (410) 786-0719. We look forward to continuing to work with you and your staff toward the approval of your remaining MAGI Eligibility SPAs.

Sincerely,



Eliot Fishman  
Director

Enclosures

cc:

Mr. Michael Melendez, ARA, CMS New York Region

logged in as TONIABROWN(CMS CO Staff)

read only mode

application rev p01

**Children's Health Insurance  
Program Eligibility****NY.0788.R00.00 - Jan 01, 2014**

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**Control Panel****General Information****File Management****Tribal Input****Summary****Children's Health Insurance Program Eligibility:  
Summary Page**

State/Territory name: New York

**Transmittal Number:**

*Please enter the Transmittal Number (TN) in the format ST-YY-0000 where ST= the state abbreviation, YY = the last two digits of the submission year, and 0000 = a four digit number with leading zeros. The dashes must also be entered.*

NY-14-0005

**Type of SPA:**

- ☐ MAGI Eligibility & Methods
- ☐ XXI Medicaid Expansion
- ☐ Establish 2101(f) Group
- ☐ Eligibility Processing
- ☒ Non-Financial Eligibility

**Proposed Effective Date**

01/01/2014

(mm/dd/yyyy)

**Federal Statute/Regulation Citation**

See individual PDFs for federal statute/regulation citations

**Federal Budget Impact**☐ This SPA has a budget impact.

Total budget impact:

State Funds:

\$

Federal Funds:

\$

**Subject of Amendment**

Please provide a brief summary of SPA changes.

Character Count:1275 out of 2000

(CS17) Provides CHIP to otherwise eligible residents of NY, including residents who are absent for NY under certain conditions;  
(CS18) Provide CHIP eligibility to otherwise eligible citizens & national of the US & certain non-citizens, including time period

**Signature of State Agency Official**

Submitted By: Karilyn Tremblay

Last Revision Date: Jan 21, 2015

Submit Date: Feb 26, 2014

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CONTINUE

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# CHIP Eligibility

OMB Control Number: 0938-1148

Expiration date: 10/31/2014

## Separate Child Health Insurance Program Non-Financial Eligibility - Residency

CS17

42 CFR 457.320

### Residency

- ☒ The CHIP Agency provides CHIP to otherwise eligible residents of the state, including residents who are absent from the state under certain conditions.

A child is considered to be a resident of the state under the following conditions:

- ☐ A non-institutionalized child, if capable of indicating intent and who is emancipated or married, if the child is living in the state and:
  1. Intends to reside in the state, including without a fixed address, or
  2. Has entered the state with a job commitment or seeking employment, whether or not currently employed.
- ☐ A non-institutionalized child not described above and a child who is not a ward of the state:
  1. Residing in the state, with or without a fixed address, or
  2. The state of residency of the parent or caretaker, in accordance with 42 CFR.435.403(h)(1), with whom the individual resides.
- ☐ An institutionalized child, who is not a ward of the state, if the state is the state of residence of the child's custodial parent or caretaker at the time of placement, or
- ☐ A child who is a ward of the state regardless of where the child lives, or
- ☐ A child physically located in the state when there is a dispute with one or more states as to the child's actual state of residence.

If the state covers pregnant women, a pregnant woman is considered to be a resident under the following conditions:

- ☐ A non-institutionalized pregnant woman who is living in the state and:
  1. Intends to reside in the state, including without a fixed address, or if incapable of indicating intent, is living in the state, or
  2. Entered with a job commitment or seeking employment, whether or not currently employed.
- ☐ An institutionalized pregnant woman placed in an out-of-state-institution, as defined in 42 CFR 435.1010, including foster care homes, by an agency of the state, or
- ☐ An institutionalized pregnant woman residing in an in-state-institution, as defined in 42 CFR 435.1010, whether or not the individual established residency in the state prior to entering the institution, or
- ☐ A pregnant woman physically located in the state when there is a dispute with one or more states as to the pregnant woman's actual state of residence.

The state has in place related to the residency of children and pregnant women (if covered by the state):



# CHIP Eligibility

One or more interstate agreement(s).

A policy related to individuals in the state only for educational purposes.

## PRA Disclosure Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0938-1148. The time required to complete this information collection is estimated to average 50 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. If you have comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: CMS, 7500 Security Boulevard, Attn: PRA Reports Clearance Officer, Mail Stop C4-26-05, Baltimore, Maryland 21244-1850.



# CHIP Eligibility

OMB Control Number: 0938-1148

Expiration date: 10/31/2014

## Separate Child Health Insurance Program Non-Financial Eligibility - Citizenship

CS18

Sections 2105(c)(9) and 2107(e)(1)(J) of the SSA and 42 CFR 457.320(b)(6), (c) and (d)

### Citizenship

☒ The CHIP Agency provides CHIP eligibility to otherwise eligible citizens and nationals of the United States and certain non-citizens, including the time period during which they are provided with reasonable opportunity to submit verification of their citizenship, national status or satisfactory immigration status.

☐ The CHIP Agency provides eligibility under the Plan to otherwise eligible individuals:

Who are citizens or nationals of the United States; or

Who are qualified non-citizens as defined in section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) (8 U.S.C. §1641), or whose eligibility is required by section 402(b) of PRWORA (8 U.S.C. §1612(b)) and is not prohibited by section 403 of PRWORA (8 U.S.C. §1613); or

Who have declared themselves to be citizens or nationals of the United States, or an individual having satisfactory immigration status, during a reasonable opportunity period pending verification of their citizenship, nationality, or satisfactory immigration status consistent with requirements of 1903(x), 1137(d), and 1902(ee) of the Act, and 42 CFR 435.406, 407, 956 and 457.380.

The reasonable opportunity period begins on and extends 90 days from the date the notice of reasonable opportunity is received by the individual.

The agency provides for an extension of the reasonable opportunity period if the individual is making a good faith effort to resolve any inconsistencies or obtain any necessary documentation, or the agency needs more time to complete the verification process.

Yes

The agency begins to furnish benefits to otherwise eligible individuals during the reasonable opportunity period on a date earlier than the date the notice is received by the individual.

Yes

The date benefits are furnished is:

☐ The date of application containing the declaration of citizenship or immigration status.

☐ The date the reasonable opportunity notice is sent.

☒ Other date, as described:

By the first day of the month after the application is received if prior to the 15th of the month or the first day after the subsequent month if after the 15th of the month.

The CHIP Agency elects the option to provide CHIP coverage to otherwise eligible children up to age 19, lawfully residing in the United States, as provided in Section 2107(e)(1)(J) of the SSA (Section 214 of CHIPRA 2009, P.L. 111-3).

Yes

Otherwise eligible children means children meeting the eligibility requirements of targeted low-income children with the exception of non-citizen status.

☒ The CHIP Agency provides assurance that lawfully residing children are also covered under the state's Medicaid program.





# CHIP Eligibility

The CHIP Agency elects the option to provide CHIP coverage to otherwise eligible pregnant women, lawfully residing in the United States, as provided in Section 214 of CHIPRA 2009, P.L. 111-3. The state may not select this option unless the state also elects to cover lawfully residing children. A state may not select this option unless the state also covers Targeted Low-Income Pregnant Women.

No

- ☒ An individual is considered to be lawfully residing in the United States if he or she is lawfully present and meets state residency requirements.
- ☒ An individual is considered to be lawfully present in the United States if he or she is:
  - 1. A qualified non-citizen as defined in 8 U.S.C. 1641(b) and (c);
  - 2. A non-citizen in a valid nonimmigrant status, as defined in 8 U.S.C. 1101(a)(15) or otherwise under the immigration laws (as defined in 8 U.S.C. 1101(a)(17));
  - 3. A non-citizen who has been paroled into the United States in accordance with 8 U.S.C. 1182(d)(5) for less than 1 year, except for an individual paroled for prosecution, for deferred inspection or pending removal proceedings;
  - 4. A non-citizen who belongs to one of the following classes:
    - (i) Granted temporary resident status in accordance with 8 U.S.C. 1160 or 1255a, respectively;
    - (ii) Granted Temporary Protected Status (TPS) in accordance with 8 U.S.C. §1254a, and individuals with pending applications for TPS who have been granted employment authorization;
    - (iii) Granted employment authorization under 8 CFR 274a.12(c);
    - (iv) Family Unity beneficiaries in accordance with section 301 of Pub. L. 101-649, as amended;
    - (v) Under Deferred Enforced Departure (DED) in accordance with a decision made by the President;
    - (vi) Granted Deferred Action status;
    - (vii) Granted an administrative stay of removal under 8 CFR 241;
    - (viii) Beneficiary of approved visa petition who has a pending application for adjustment of status;
  - 5. Is an individual with a pending application for asylum under 8 U.S.C. 1158, or for withholding of removal under 8 U.S.C. 1231, or under the Convention Against Torture, who:
    - (i) Has been granted employment authorization; or
    - (ii) Is under the age of 14 and has had an application pending for at least 180 days;
  - 6. Has been granted withholding of removal under the Convention Against Torture;
  - 7. Is a child who has a pending application for Special Immigrant Juvenile status as described in 8 U.S.C. 1101(a)(27)(J);
  - 8. Is lawfully present in American Samoa under the immigration laws of American Samoa; or
  - 9. Is a victim of severe trafficking in persons, in accordance with the Victims of Trafficking and Violence Protection Act of 2000, Pub. L. 106-386, as amended (22 U.S.C. 7105(b)).



# CHIP Eligibility

10. Exception: An individual with deferred action under the Department of Homeland Security's deferred action for the childhood arrivals process, as described in the Secretary of Homeland Security's June 15, 2012 memorandum, shall not be considered to be lawfully present with respect to any of the above categories in paragraphs (1) through (9) of this definition.

## PRA Disclosure Statement

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# CHIP Eligibility

State Name:

OMB Control Number: 0938-1148

Transmittal Number: NY - 14 - 0005

Expiration date: 10/31/2014

## Separate Child Health Insurance Program Non-Financial Eligibility - Substitution of Coverage

CS20

Section 2102(b)(3)(C) of the SSA and 42 CFR 457.340(d)(3), 457.350(i), and 457.805

### Substitution of Coverage

- ☒ The CHIP Agency provides assurance that it has methods and policies in place to prevent the substitution of group health coverage or other commercial health insurance with public funded coverage. These policies include:

☒ Substitution of coverage prevention strategy:

	Name of policy	Description	
+			X

A waiting period during which an individual is ineligible due to having dropped group health coverage.

How long is the waiting period?

- ☐ One month  
☐ Two months  
☒ 90 days  
☐ Other

☒ The state allows exemptions from the waiting period for the following reasons:

- ☒ The premium paid by the family for coverage of the child under the group health plan exceeded 5 percent of household income.
- ☒ The child's parent is determined eligible for advance payment of the premium tax credit for enrollment in a QHP through the Marketplace because the ESI in which the family was enrolled is determined unaffordable in accordance with 26 CFR 1.36B-2(c)(3)(v).
- ☒ The cost of family coverage that includes the child exceeded 9.5 percent of the household income.
- ☒ The employer stopped offering coverage of dependents (or any coverage) under an employer-sponsored health insurance plan.
- ☒ A change in employment, including involuntary separation, resulted in the child's loss of employer-sponsored insurance (other than through full payment of the premium by the parent under COBRA).
- ☒ The child has special health care needs.
- ☒ The child lost coverage due to the death or divorce of a parent.

Does the state allow other exemptions in addition to those listed above?

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# CHIP Eligibility

	Describe	
+	The child applying for CHPlus coverage is at or below the age of 5.	X
+	The child applying for CHPlus coverage is pregnant.	X
+	Health benefits were terminated due to a long-term disability.	X
+	The person providing coverage moved and no employer-based health benefit coverage is available.	X
+	The household income for the family size is below 251% of the Federal Poverty Level.	X
+	The household income for the family size is above 400% of the Federal Poverty Level.	X

- ☒ Describe the processes the state employs to facilitate enrollment of CHIP-eligible children who have satisfied the waiting period.

Once the waiting period is satisfied, the child will automatically be enrolled in the Child Health Plus program at the appropriate subsidized premium level. No additional documentation or information is needed from the family. The family must pay the required family premium contribution prior to program enrollment.

- ☒ Describe the processes the state employs to coordinate coverage of children subject to a waiting period with other insurance affordability programs, including safeguards to prevent gaps in coverage for children transitioning from another insurance affordability program to CHIP after satisfying the waiting period.

New York State of Health, New York's health insurance marketplace, processes eligibility and enrollment for MAGI Medicaid populations, the Children's Health Insurance Program, Advance Premium Tax Credits (APTC), Cost Sharing Reductions and unsubsidized Qualified Health Plans (QHPs). Children in a waiting period will be given the option to enroll in a QHP with APTC. Once the waiting period is satisfied, the child will be enrolled in Child Health Plus at the appropriate subsidy level. No additional documentation or action is required of the applicant. The family must pay the required family premium contribution before enrollment is effectuated.

The state provides assurance that:

- ☒ It does not require a new application or the submission of information already provided by the family immediately preceding the waiting period for the purpose of enrolling CHIP-eligible children who have satisfied a waiting period.

- ☒ For children subject to the waiting period, it will promptly transfer each individual's electronic account to the applicable insurance affordability program and notify such program of the date on which the waiting period ends for each individual.

- ☐ If the state covers pregnant women, the waiting period does not apply to pregnant women.

If the state elects to offer dental only supplemental coverage, the following assurances apply:

- ☐ The other coverage exclusion does not apply to children who are otherwise eligible for dental only supplemental coverage as provided in section 2110(b)(5) of the SSA.

- ☐ The waiting period does not apply to children eligible for dental only supplemental coverage.



# CHIP Eligibility

## PRA Disclosure Statement

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**FEB 03 2015**



# CHIP Eligibility

OMB Control Number: 0938-1148

Expiration date: 10/31/2014

## Separate Child Health Insurance Program

### Non-Financial Eligibility - Non-Payment of Premiums

CS21

42 CFR 457.570

#### Non-Payment of Premiums

Does the state impose premiums or enrollment fees?

Yes

Can non-payment of premiums or enrollment fees result in loss of CHIP eligibility?

Yes

Does the state have a premium lock out period?

No

- ☒ The state assures that it provides enrollees with an opportunity for an impartial review to address disenrollment from the program in accordance with section 457.1130(a)(3).

#### PRA Disclosure Statement

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V.20130709



# CHIP Eligibility

OMB Control Number: 0938-1148

Expiration date: 10/31/2014

## Separate Child Health Insurance Program General Eligibility - Continuous Eligibility

CS27

2105(a)(4)(A) of the SSA and 42 CFR 457.342 and 435.926

The CHIP Agency may provide that children who have been determined eligible under the state plan shall remain eligible, regardless of any changes in the family's circumstances, during a continuous eligibility period up to 12 months, or until the time the child reaches an age specified by the state (not to exceed age 19), whichever is earlier.

The CHIP Agency elects to provide continuous eligibility to children under this provision. ☒ Yes

☒ For children up to age 19

☐ For children up to age

The continuous eligibility period begins on the effective date of the child's most recent determination or redetermination of eligibility, and ends:

☒ At the end of the  months continuous eligibility period.

Exceptions to the continuous eligibility period:

☒ The child attains the age specified by the state Agency or age 19.

☒ The child or child's representative requests voluntary disenrollment.

☒ The child is no longer a resident of the state.

☒ The Agency determines that eligibility was erroneously granted at the most recent determination or renewal of eligibility because of Agency error or fraud, abuse, or perjury attributed to child or child's representative.

☒ The child dies.

☒ There is a failure to pay required premiums or enrollment fees on behalf of a child, as provided for in the state plan.

☒ Other

	Describe	
+	The child becomes Medicaid eligible.	X
+	The child has obtained other health insurance.	X
+	The child has obtained access to a state health benefits plan subsequent to the initial enrollment/renewal period.	X

PRA Disclosure Statement

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# CHIP Eligibility

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V.20130717





# CHIP Eligibility

OMB Control Number: 0938-1148

Expiration date: 10/31/2014

## Separate Child Health Insurance Program General Eligibility - Presumptive Eligibility for Children

CS28

42 CFR 457.355 and 435.1102, 2107(e)(1)(L) and 1920A of the SSA

The CHIP Agency covers children when determined presumptively eligible by a qualified entity.

Yes

- ☒ Describe the population of children to whom presumptive eligibility applies:

The entire population of CHPlus eligible children.

- ☒ Describe the duration of the presumptive eligibility period and any limitations:

Two months.

- ☒ Describe the application process and eligibility determination factors used:

If the child appears eligible for coverage but is missing one or more of the documents needed to verify eligibility, the child may be enrolled presumptively for two months while collecting such documentation.

- ☒ The CHIP Agency uses qualified entities, as defined in section 1920A, to determine eligibility presumptively for children.

## Separate Child Health Insurance Program General Eligibility - List of Qualified Entities

CS30

A qualified entity is an entity that is determined by the agency to be capable of making presumptive eligibility determinations based on an individual's household income and other requirements, and that meets at least one of the following requirements. Select the types of entities used to determine presumptive eligibility:

- ☐ Furnishes health care items and services covered under the approved plan and is eligible to receive payments under the approved plan
- ☐ Is authorized to determine a child's eligibility to participate in a Head Start program under the Head Start Act
- ☐ Is authorized to determine a child's eligibility to receive child care services for which financial assistance is provided under the Child Care and Development Block Grant Act of 1990
- ☐ Is authorized to determine a child's eligibility to receive assistance under the Special Supplemental Food Program for Women, Infants, and Children (WIC) under section 17 of the Child Nutrition Act of 1966
- ☒ Is authorized to determine a child's eligibility under the Medicaid state plan or for child health assistance under the Children's Health Insurance Program (CHIP)



# CHIP Eligibility

- |   |  |
|---|--|
| <div data-bbox="238 323 1385 970" data-label="List-Group"><ul style="list-style-type: none"><li><input type="checkbox"/> Is an elementary or secondary school, as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)</li><li><input type="checkbox"/> Is an elementary or secondary school operated or supported by the Bureau of Indian Affairs</li><li><input type="checkbox"/> Is a state or Tribal child support enforcement agency under title IV-D of the Act</li><li><input type="checkbox"/> Is an organization that provides emergency food and shelter under a grant under the Stewart B. McKinney Homeless Assistance Act</li><li><input type="checkbox"/> Is a state or Tribal office or entity involved in enrollment in the program under Medicaid, CHIP, or title IV-A of the Act</li><li><input type="checkbox"/> Is an organization that determines eligibility for any assistance or benefits provided under any program of public or assisted housing that receives Federal funds, including the program under section 8 or any other section of the United States Housing Act of 1937 (42 U.S.C. 1437) or under the Native American Housing Assistance and Self Determination Act of 1996 (25 U.S.C. 4101 <i>et seq.</i>)</li><li><input type="checkbox"/> Any other entity the state so deems, as approved by the Secretary</li><li><input checked="" type="checkbox"/> The CHIP Agency assures that it has communicated the requirements for qualified entities, at 1920A(b)(3) of the Act, and provided adequate training to the entities and organizations involved. A copy of the training materials has been included.</li></ul></div> |  |
|---|--|

An attachment is submitted.

## PRA Disclosure Statement

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V.20130709

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