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State/Territory Name: NY

State Plan Amendment (SPA): NY-23-0027

This file contains the following documents in the order listed:

- 1) Approval Letter
- 2) CMS 179 Form/Summary Form (with 179-like data)
- 3) Approved SPA Page

DEPARTMENT OF HEALTH & HUMAN SERVICES

Centers for Medicare & Medicaid Services
Center for Medicaid & CHIP Services
233 North Michigan Ave., Suite 600
Chicago, Illinois 60601



Financial Management Group

June 21, 2023

Amir Bassiri
New York State
Department of Health (DOH)
Acting Medicaid Director
99 Washington Ave-One Commerce Plaza Suite 1432
Albany, NY 12210

RE: New York Plan Amendment (SPA) Transmittal Number 23-0027

Dear Director Bassiri:

We have reviewed the proposed New York State Plan Amendment (SPA) to Attachment 4.19-B submitted under TN-23-0027, which was submitted to the Centers for Medicare & Medicaid Services (CMS) on March 30th, 2023. This plan proposes to update the minimum wage for Assisted Living Program (ALP) Rates.

Based upon the information provided by the State, we have approved the amendment with an effective date of January 1st, 2023. We are enclosing the approved CMS-179 and a copy of the new state plan page.

If you have any additional questions or need further assistance, please contact Jerica Bennett at 1-410-786-1167 or jerica.bennett@cms.hhs.gov.

Sincerely,



Todd McMillion
Director
Division of Reimbursement Review

Enclosures

**TRANSMITTAL AND NOTICE OF APPROVAL OF
STATE PLAN MATERIAL
FOR: CENTERS FOR MEDICARE & MEDICAID SERVICES**

1. TRANSMITTAL NUMBER

2 3 — 0 0 2 7

2. STATE

N Y

3. PROGRAM IDENTIFICATION: TITLE OF THE SOCIAL SECURITY ACT

XIX XXI

TO: CENTER DIRECTOR
CENTERS FOR MEDICAID & CHIP SERVICES
DEPARTMENT OF HEALTH AND HUMAN SERVICES

4. PROPOSED EFFECTIVE DATE

January 1, 2023

5. FEDERAL STATUTE/REGULATION CITATION

~~§ 1905(a)(23)-Assisted Living Programs~~ **1905(a)(7) Home Health Care Services**

6. FEDERAL BUDGET IMPACT (Amounts in WHOLE dollars)

a. FFY 01/01/23-09/30/23 \$ 321,429
b. FFY 10/01/23-09/30/24 \$ 428,572

7. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT

Attachment 4.19-B: Page 4(c)(1.1)

8. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable)

Attachment 4.19-B: Page 4(c)(1.1)

9. SUBJECT OF AMENDMENT

ALP Minimum Wage 2023

10. GOVERNOR'S REVIEW (Check One)

- GOVERNOR'S OFFICE REPORTED NO COMMENT
 COMMENTS OF GOVERNOR'S OFFICE ENCLOSED
 NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL

OTHER, AS SPECIFIED:

11. SIGNATURE OF STATE AGENCY OFFICIAL

12. TYPED NAME

Amir Bassiri

13. TITLE

Medicaid Director

14. DATE SUBMITTED

March 30, 2023

15. RETURN TO

New York State Department of Health
Division of Finance and Rate Setting
99 Washington Ave – One Commerce Plaza
Suite 1432
Albany, NY 12210

FOR CMS USE ONLY

16. DATE RECEIVED

03/30/2023

17. DATE APPROVED

June 21, 2023

PLAN APPROVED - ONE COPY ATTACHED

18. EFFECTIVE DATE OF APPROVED MATERIAL

01/01/2023

19. SIGNATURE OF APPROVING OFFICIAL

20. TYPED NAME OF APPROVING OFFICIAL

Todd McMillion

21. TITLE OF APPROVING OFFICIAL

Director, Division of Reimbursement Review

22. REMARKS

**Pen and ink changes:
Box 5: Federal Statute/Regulation Citation: §1905(a)(7) Home Health Care Services**

**New York
4(c)(1.1)**

1905(a)(7) Home Health Care Services

Beginning January 1, 2017, and every January 1 thereafter until the minimum wage reaches the state statutorily described per hour wage as shown below, the Department will recognize cost increases experienced by ALP providers in accordance with established ALP rate setting methodology. This minimum wage methodology will include an examination of provider-submitted surveys that capture the increased provider cost for increasing salaries up to the minimum wage for each calendar year. Those increased costs, reported by each provider, will be divided by their utilization during the reported year, to establish a minimum wage "add-on" to the previously established rates, for each ALP provider. The minimum wage rates as approved are as follows:

	December 31, 2016	December 31, 2017	December 31, 2018	December 31, 2019	December 31, 2020	December 31, 2021	December 31, 2022
New York City	\$11.00	\$13.00	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00
Nassau, Suffolk & Westchester	\$10.00	\$11.00	\$12.00	\$13.00	\$14.00	\$15.00	\$15.00
Remainder of State	\$9.70	\$10.40	\$11.10	\$11.80	\$12.50	\$13.20	\$14.20*

*Effective January 1, 2023, the minimum wage value for the Remainder of the State will be \$14.20.

Except as otherwise noted in the plan, state-developed fee schedule rates are the same for both governmental and private providers of Assisted Living Programs. The agency's fee schedule rate was set as of January 1, 2017, and is effective for services provided on or after that date until all regions of the State reach \$15.00 per hour. Rates of payments to Assisted Living Programs are available at:

https://www.health.ny.gov/facilities/long_term_care/reimbursement/alp/2017-01-01_alp_min_wage_rates.htm

TN #23-0027 **Approval Date** June 21, 2023

Supersedes TN #22-0021 **Effective Date** January 1, 2023