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State/Territory Name: NY

State Plan Amendment (SPA): NY-23-0064

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
230 South Dearborn, 33rd Floor
Chicago, Illinois 60604



Financial Management Group

February 7, 2024

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

RE: New York Plan Amendment (SPA) Transmittal Number 23-0064

Dear Director Bassiri:

We have reviewed the proposed New York State Plan Amendment (SPA) to Attachment 4.19-B submitted under TN-NY-23-0064, which was submitted to the Centers for Medicare & Medicaid Services (CMS) on June 29th, 2023. This plan proposes to provide supplemental payments to Assisted Living Program sites.

Based upon the information provided by the State, we have approved the amendment with an effective date of June 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,

A solid black rectangular box redacting the signature of Todd McMillion.

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 <u>2 3</u> — <u>0 0 6 4</u>	2. STATE <u>NY</u>
3. PROGRAM IDENTIFICATION: TITLE OF THE SOCIAL SECURITY ACT <input checked="" type="radio"/> XIX <input type="radio"/> XXI	

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

4. PROPOSED EFFECTIVE DATE
June 1, 2023

5. FEDERAL STATUTE/REGULATION CITATION
§ 1905(a)(7) Home Health Care Services

6. FEDERAL BUDGET IMPACT (Amounts in WHOLE dollars)
a. FFY 06/01/23-09/30/23 \$ 20,000,000
b. FFY 10/01/23-09/30/24 \$ 0

7. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT
Attachment 4.19-B: Page 4(c)(3)

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 PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable)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

9. SUBJECT OF AMENDMENT
ARPA HCBS Supplemental ALP Payment

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
[Redacted]

12. TYPED NAME
Amir Bassiri

13. TITLE
Medicaid Director

14. DATE SUBMITTED **June 29, 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 06/29/2023	17. DATE APPROVED February 7, 2024
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PLAN APPROVED - ONE COPY ATTACHED

18. EFFECTIVE DATE OF APPROVED MATERIAL 06/01/2023	19. SIGNATURE OF APPROVING OFFICIAL [Redacted]
20. TYPED NAME OF APPROVING OFFICIAL Todd McMillion	21. TITLE OF APPROVING OFFICIAL Director, Division of Reimbursement Review

22. REMARKS

**New York
4(c)(3)**

1905(a)(7) Home Health Care Services

Effective June 1, 2023, the State will distribute \$40 million to eligible Assisted Living Programs through a one-time supplemental payment as described in the approved New York State American Rescue Act Home and Community Based Service Spending Plan under the Improve and Support the Assisted Living Program (ALP) Workforce initiative. The purpose of this supplemental payment is to support programs impacted by the COVID-19 pandemic. New York State will distribute these funds based on individual members served by each program through a one-time lump sum payment DISTRIBUTED TO PROGRAM SITES NO LATER THAN MARCH 1, 2024. The methodology for payment will first be to determine the unique member utilization across all sites between April 1, 2023 to June 30, 2023. The next step will result in 90% of the \$40 million total funds determined proportionately across all eligible sites. Additionally, for sites who served less than 30 unique members, another calculation will result in 10% of the \$40 million total funds determined proportionately across these eligible sites. This will result in a one time lump sum payment. Funding may not be used to supplant the level of State funds expended for Home and Community-Based Services (HCBS).

Sites will be able to use these funds to support the workforce development strategies. To be eligible, program sites must hold a valid operating certificate and be actively working toward or confirm their compliance to the HCBS Settings Rule and programmatic regulations as stated in the HCBS Final Rule Statewide Transition Plan. Sites must also submit an attestation of their intended use of funds and confirm funding will not be used for capital investments.

Excluded sites:

- Sites which are not fully compliant to HCBS Settings or working toward completing activities related to a corrective action plan. Sites which do not submit an accepted attestation of their intended use of funds.
- Sites which do not confirm funds will not be used for capital investments.
- Sites which are closed at the time of fund distribution, or those that are open but not actively providing services.

Eligible sites:

- Open sites are defined as those with the appropriate staff and are either actively providing services or have planned an opening date before June 1, 2023
- New York State will distribute these funds based on individual members served by each program through a one-time lump sum payment no later than March 1st, 2024.

TN #23-0064

Approval Date February 7, 2024

Supersedes TN #NEW

Effective Date June 1, 2023