

NEW YORK
state department of
HEALTH

Nirav R. Shah, M.D., M.P.H.
Commissioner

Sue Kelly
Executive Deputy Commissioner

December 14, 2011

Mr. Michael Melendez
Associate Regional Administrator
Department of Health & Human Services
Centers for Medicare & Medicaid Services
New York Regional Office
Division of Medicaid and Children's Health
26 Federal Plaza - Room 3800
New York, New York 10278

RE: SPA #11-75

Dear Mr. Melendez:

The State requests approval of the enclosed amendment #11-75 to the Title XIX (Medicaid) State Plan effective November 1, 2011 (Appendix I).

A summary of the plan amendment is provided in Appendix II. Copies of pertinent sections of proposed State statute are enclosed for your information (Appendix III).

In keeping with our continued agreement, this amendment is being sent to you prior to the end of the fourth quarter.

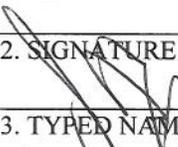
If you or your staff have any questions or need any assistance, please contact Karla Knuth, of my staff, at (518) 473-8822.

Sincerely,



Jason A. Helgerson
Medicaid Director
Deputy Commissioner
Office of Health Insurance Programs

Enclosures

TRANSMITTAL AND NOTICE OF APPROVAL OF STATE PLAN MATERIAL FOR: HEALTH CARE FINANCING ADMINISTRATION		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 (<i>Check One</i>): <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 (<i>Separate Transmittal for each amendment</i>)			
6. FEDERAL STATUTE/REGULATION CITATION: 1902(a)(10)(A)(i)(VII)		7. FEDERAL BUDGET IMPACT: a. FFY 11/01/11-09/30/12 \$0 b. FFY 10/01/12-09/30/13 \$0	
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		9. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (<i>If Applicable</i>): 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 (<i>Check One</i>): <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: Jason A. Helgerson			
14. TITLE: Medicaid Director & Deputy Commissioner Department of Health			
15. DATE SUBMITTED: December 14, 2011			
FOR REGIONAL OFFICE USE ONLY			
17. DATE RECEIVED:		18. DATE APPROVED:	
PLAN APPROVED – ONE COPY ATTACHED			
19. EFFECTIVE DATE OF APPROVED MATERIAL:		20. SIGNATURE OF REGIONAL OFFICIAL:	
21. TYPED NAME:		22. TITLE:	
23. REMARKS:			

Appendix I
2011 Title XIX State Plan
Fourth Quarter Amendment
Amended SPA Pages

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)(II)(cc) - Zelbley Children;
 - 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);
 - 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) - Children as defined by 1905(a)(i);
 - 1902(a)(10)(A)(ii)(II) - Parents and other caretaker relatives as defined by 1905(a)(ii);
 - 1902(a)(10)(A)(ii)(IV) - Pregnant women as defined by 1905(a)(viii);
 - 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. For children under the age of 21 covered under 1902(a)(10)(A)(ii)(XXI) and 1902(ii) of the Act, parental income is disregarded when the child requests confidentiality, has good cause not to provide or is otherwise unable to obtain parental income information.
6. 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: _____

Supersedes TN#: #11-40

Effective Date: _____

**Appendix II
2011 Title XIX State Plan
Fourth Quarter Amendment
Summary**

SUMMARY
SPA #11-75

This State Plan Amendment proposes, in determining eligibility for children who have attained 6 years of age but have not attained 19 years of age, disregard the difference between 100% and 133% of the Federal Poverty Level by family size as revised annually in the Federal Register.

Appendix III
2011 Title XIX State Plan
Fourth Quarter Amendment
Authorizing Provisions

CHAPTER 58 OF THE LAWS OF 2009

366. 4(p)(1) Children who are at least one year of age but younger than nineteen years of age who are not otherwise eligible for medical assistance and whose families have: (i) subject to the approval of the federal Centers for Medicare and Medicaid services, gross incomes not in excess of one hundred sixty percent of the federal income official poverty line (as defined and annually revised by the federal office of management and budget) for a family of the same size as the families that include the children or (ii) in the absence of such approval, net incomes equal to or less than one hundred thirty-three percent of the federal income official poverty line (as defined and annually revised by the federal office of management and budget) for a family of the same size as the families that include the children shall be eligible for medical assistance and shall remain eligible therefore as provided in subparagraph three of this paragraph.