

June 11, 2009

Ms. 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:

We are pleased to inform you that your twelfth title XXI Children's Health Insurance Program (CHIP) State plan amendment (SPA) submitted on March 18, 2009, with additional information and revised State plan pages submitted on April 21, May 12, and May 15, 2009, has been approved. This amendment has a retroactive effective date of September 1, 2008.

This SPA increases the effective financial eligibility standard for New York's separate CHIP from the current family income level at or below 250 percent of the Federal poverty level (FPL) to the family income level at or below 400 percent of the FPL. The SPA also implements a 6-month waiting period of prior uninsurance for children with family incomes above 250 percent of the FPL, allows 10 exceptions to this waiting period, and imposes premiums for children in this income range. Exceptions to the 6-month waiting period will be allowed for the following situations: when the family has experienced the involuntary loss of employer-based coverage for one of seven specific reasons; when the applicant child is pregnant; when the applicant child is at or below the age of 5; or when the cost of the child's portion of the family's employer-based health insurance premium is more than 5 percent of family income.

New York submitted its twelfth SPA as the replacement for its tenth SPA, which the Centers for Medicare & Medicaid Services (CMS) disapproved on September 7, 2007. New York subsequently petitioned for reconsideration of the disapproval but agreed to stay its appeal of its tenth SPA and submit its twelfth SPA. This SPA has a retroactive effective date of September 1, 2008, which is when New York implemented the expansion with State-only funds. It is our understanding that the State will withdraw its appeal of its tenth SPA.

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

Centers for Medicare & Medicaid Services
Center for Medicaid and State Operations
Mail Stop S2-01-16
7500 Security Boulevard
Baltimore, MD 21244-1850
Telephone: (410) 786-5913
Facsimile: (410) 786-5943
E-mail: kathleen.cuneo@cms.hhs.gov

Official communications regarding program matters should be sent simultaneously to Ms. Cuneo and to Ms. Sue Kelly, Associate Regional Administrator in our New York Regional Office. Ms. Kelly's address is:

Centers for Medicare & Medicaid Services
Division of Medicaid and Children's Health
26 Federal Plaza, Room 37-11
New York, NY 10278-0063

If you have additional questions, please contact Ms. Dianne E. Heffron, Acting Director, Family and Children's Health Programs Group, Center for Medicaid and State Operations, at (410) 786-5647.

We look forward to continuing to work with you and your staff.

Sincerely,

/s/

Charlene Frizzera
Acting Administrator

Page 3 – Ms. Judith Arnold

cc: CMS Region II, New York