

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
1301 Young Street, Room 833
Dallas, Texas 75202



Division of Medicaid & Children's Health, Region VI

April 27, 2010

Our Reference: SPA-LA-10-01

Mr. Don Gregory, State Medicaid Director
Department of Health and Hospitals
Bienville Building
628 North 4th Street
Post Office Box 91030
Baton Rouge, LA 70821-9030

Dear Mr. Gregory:

We have reviewed the proposed amendment to your Medicaid State Plan submitted under Transmittal Number 10-01. This state plan amendment implements the provisions of the Medicare Improvements for Patient and Providers Act of 2008 (MIPPA) to increase the resource limit for Qualified Medicaid Beneficiaries (QMB), Specified Low-Income Medicare Beneficiaries (SLMB) and QIs to three times the Supplemental Security Income (SSI) resource limit, adjusted annually by the increase in Consumer Price Index. This state plan amendment also implements a disregard for QMBs, SLMBs, and QIs for certain assets in the eligibility determination process.

In the future, when the State submits a State Plan Amendment (SPA) that may impact Indians or Indian health providers, CMS will look for evidence of the State's tribal consultation process for that SPA. Pursuant to section 1902 (a) (73) of the Act added by section 5006 (c) of the Recovery and Reinvestment Act of 2009, the State must submit evidence to CMS regarding the solicitation of advice prior to submission of the SPA. This consultation must include all federally recognized tribes, Indian Health Service and Urban Indian Organizations within the state.

Transmittal Number 10-01 is approved with an effective date of January 1, 2010 as requested. A copy of the HCFA-179, Transmittal No. 10-01 dated January 26, 2010 is enclosed along with the approved plan pages.

If you have any questions, please contact Cheryl Rupley at (214) 767-6278.

Sincerely,

A black rectangular redaction box covering the signature of Bill Brooks.

Bill Brooks
Associate Regional Administrator

Enclosures

**TRANSMITTAL AND NOTICE OF APPROVAL OF
STATE PLAN MATERIAL**

FOR: HEALTH CARE FINANCING ADMINISTRATION

TO: REGIONAL ADMINISTRATOR
HEALTH CARE FINANCING ADMINISTRATION
DEPARTMENT OF HEALTH AND HUMAN SERVICES

1. TRANSMITTAL NUMBER:
10-01

2. STATE
Louisiana

3. PROGRAM IDENTIFICATION: TITLE XIX OF THE
SOCIAL SECURITY ACT (MEDICAID)

4. PROPOSED EFFECTIVE DATE
January 1, 2010

5. TYPE OF PLAN MATERIAL (Check One):
 NEW STATE PLAN AMENDMENT TO BE CONSIDERED AS NEW PLAN AMENDMENT
COMPLETE BLOCKS 6 THRU 10 IF THIS IS AN AMENDMENT (Separate Transmittal for each amendment)

6. FEDERAL STATUTE/REGULATION CITATION:
**1902(r)(2) of the Social Security Act; and
MIPPA 2008**

7. FEDERAL BUDGET IMPACT:
a. FFY 2010 **\$1,447.79**
b. FFY 2011 **\$1,551.34**

8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT:
**Supplement 8b to Attachment 2.6-A, Page 1
Supplement 8b to Attachment 2.6-A, Page 2
Attachment 2.2-A, Pages 9b, 9b1
★ Attachment 2.6-A page 22a**

9. PAGE NUMBER OF THE SUPERSEDED PLAN
SECTION OR ATTACHMENT (If Applicable):
**Same (TN 07-15)
Same (TN 06-13)
Same (TN 93-09)
New Page**

10. SUBJECT OF AMENDMENT: **The purpose of this amendment is to revise the Medicare Savings Program in response to the Medicare Improvements of Patients and Providers Act (MIPPA) of 2008 in order to incorporate provisions regarding the submittal of low income subsidy data and to disregard certain assets in the eligibility determination process.**

11. GOVERNOR'S REVIEW (Check One):
 GOVERNOR'S OFFICE REPORTED NO COMMENT OTHER, AS SPECIFIED:
 COMMENTS OF GOVERNOR'S OFFICE ENCLOSED **The Governor does not review state plan material.**
 NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL

12. SIGNATURE:  TAL:

13. TYPED NAME:
Alan Levine

14. TITLE:
Secretary

15. DATE SUBMITTED:
January 26, 2010

16. RETURN TO:
**State of Louisiana
Department of Health and Hospitals
628 N. 4th Street
PO Box 91030
Baton Rouge, LA 70821-9030**

FOR REGIONAL OFFICE USE ONLY

17. DATE RECEIVED:
26 January, 2010

18. DATE APPROVED:
27 April, 2010

PLAN APPROVED - ONE COPY ATTACHED

19. EFFECTIVE DATE OF APPROVED MATERIAL:
1 January, 2010

20. SIGNATURE OF REGIONAL OFFICIAL:
Bill Brooks for

21. TYPED NAME:
Bill Brooks

22. TITLE: **Associate Regional Administrator
Div of Medicaid & Children's Health**

23. REMARKS:
**Pen + Ink Change Made Per State's E-Mail
Dated 4-21-10 to Add Attachment 2.6-A page 22a, New page**

**TRANSMITTAL AND NOTICE OF APPROVAL OF
STATE PLAN MATERIAL**

FOR: HEALTH CARE FINANCING ADMINISTRATION

TO: REGIONAL ADMINISTRATOR
HEALTH CARE FINANCING ADMINISTRATION
DEPARTMENT OF HEALTH AND HUMAN SERVICES

1. TRANSMITTAL NUMBER: 10-01	2. STATE Louisiana
3. PROGRAM IDENTIFICATION: TITLE XIX OF THE SOCIAL SECURITY ACT (MEDICAID)	
4. PROPOSED EFFECTIVE DATE January 1, 2010	

5. TYPE OF PLAN MATERIAL (Check One):

NEW STATE PLAN AMENDMENT TO BE CONSIDERED AS NEW PLAN AMENDMENT

COMPLETE BLOCKS 6 THRU 10 IF THIS IS AN AMENDMENT (Separate Transmittal for each amendment)


6. FEDERAL STATUTE/REGULATION CITATION: 1902(r)(2) of the Social Security Act; and MIPPA 2008	7. FEDERAL BUDGET IMPACT: a. FFY <u>2010</u> <u>\$1,447.79</u> b. FFY <u>2011</u> <u>\$1,551.34</u>
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8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT: Supplement 8b to Attachment 2.6-A, Page 1 Supplement 8b to Attachment 2.6-A, Page 2 Attachment 2.2-A, Pages 9b, 9b1 * Attachment 2.6-A page 22a * Attachment 2.6-A page 22	9. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable): Same (TN 07-15) Same (TN 06-13) Same (TN 93-09) New Page Same (TN 01-16)
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10. SUBJECT OF AMENDMENT: **The purpose of this amendment is to revise the Medicare Savings Program in response to the Medicare Improvements of Patients and Providers Act (MIPPA) of 2008 in order to incorporate provisions regarding the submittal of low income subsidy data and to disregard certain assets in the eligibility determination process.**

11. GOVERNOR'S REVIEW (Check One):

GOVERNOR'S OFFICE REPORTED NO COMMENT OTHER, AS SPECIFIED:
 COMMENTS OF GOVERNOR'S OFFICE ENCLOSED **The Governor does not review state plan material.**
 NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL

12. SIGNATURE OF STATE AGENCY OFFICIAL:


13. TYPED NAME:
Alan Levine

14. TITLE:
Secretary


15. DATE SUBMITTED:
January 26, 2010

16. RETURN TO:
**State of Louisiana
Department of Health and Hospitals
628 N. 4th Street
PO Box 91030
Baton Rouge, LA 70821-9030**

FOR REGIONAL OFFICE USE ONLY

17. DATE RECEIVED: 26 January, 2010	18. DATE APPROVED: 22 April, 2010
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19. EFFECTIVE DATE OF APPROVED MATERIAL:
1 January, 2010

20. SIGNATURE OF REGIONAL OFFICIAL:


21. TYPED NAME: Bill Brooks	22. TITLE: Associate Regional Administrator Div of Medicaid & Children's Health
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23. REMARKS:
*** Pen + Ink Change Made Per State's E-Mail Dated 4-21-10 to Add Attachment 2.6-A page 22a, New page
* Pen + Ink Change to add Attachment 2.6-A, page 22 per state's e-mail 3-29-2010**

Marks, Marsha L. (CMS/SC)

From: Marks, Marsha L. (CMS/SC)
Sent: Wednesday, April 28, 2010 7:32 AM
To: CMS CMSO_508_SPA
Cc: Rupley, Cheryl A. (CMS/SC); 'Allyson Lamy'
Subject: Approval Pkg for LA 10-01
Attachments: LA1001APPROVAL.doc; Final Approval Pkg for LA 10-01.pdf

See Attached. Hard copies are being sent by regular mail.

State: Louisiana

Brief Description: This implements provision of Medicare Improvements for Patients and Providers Act of 2008 (MIPPA) to increase the resource limit for Qualified Medicaid Beneficiaries (QMB), Specified Low-Income Medicare Beneficiaries (SLMB) and QIs to three times the Supplemental Security Income (SSI) resource limit. It also implements a disregard for QMBs, SLMBs, and QIs for certain assets in the eligibility determination process.

Approval Date: 27 April, 2010

Effective Date: 1 January, 2010

Marsha Marks // Dept of Health & Human Services // Centers for Medicare & Medicaid Services // Dallas Regional Office // Division of Medicaid & Children's Health // Dallas Texas 75202 // 214-767-6280 // Fax 214-767-0322 // marsha.marks@cms.hhs.gov

Rupley, Cheryl A. (CMS/SC)

From: Allyson Lamy [ALLYSON.LAMY@LA.GOV]
Sent: Monday, March 29, 2010 1:26 PM
To: Rupley, Cheryl A. (CMS/SC)
Cc: Darlene Hughes; Diane Batts (DHH); Kyle Viator; Shirley Garland; Sandra Victor; Keydra Singleton
Subject: RE: LA 10-01 Questions
Attachments: 10-01 CMS Informal Questions Responses 3.29.10.docx; 10-01 Medicaid Savings Program (revised submitted per CMS 3.27.10).docx; 10-01 Medicaid Savings Program (revised submitted per CMS 3.27.10).pdf

We have revised the SPA pages as suggested by CMS. Please see attached responses to the informal questions and the revised pages. Please substitute the attached pages for the pages previously submitted for this SPA (in both Word and pdf versions).

Please let me know if there are any further questions.

Thanks,
Allyson

From: Rupley, Cheryl A. (CMS/SC) [mailto:Cheryl.Rupley@cms.hhs.gov]
Sent: Wednesday, March 03, 2010 12:07 PM
To: Allyson Lamy; Keydra Singleton
Cc: Seng, Suzette (CMS/SC)
Subject: LA 10-01 Questions
Importance: High

Allyson, Keydra,
Attached please find informal questions and page revisions needed for SPA 10-01. Please let me know if you have any questions.

Thanks for your assistance.

Cheryl Rupley
Division of Medicaid and Children's Health
1301 Young St. Rm. 833
Dallas, TX 75202
Phone 214-767-6278
FAX 214-767-0322

CMS Informal questions for TN 10-01

1. The Statutory reference for this SPA should be that of the MSP eligibility groups and not of the MIPPA law. Please revise box 6 of the 179. The following statutes correspond with the MSP groups: 1902(a)(10)(E), 1905(p) and 1860D-14(a)(3)(D).

Response: Please make a pen and ink change to Box 6 of the Form 179 to change the citation reference from MIPPA 2008 to 1902(a)(10)(E), 1905(p) and 1860D-14(a)(3)(D) of the Act.

2. The State has not included the Qualified Individuals group in Attachment 2.2-A, page 9(b), (b1). Please revise. We have attached a draft pre-print the State may use as a reference.

Response: We have revised the state plan page. Please substitute the attached revised page for the page previously submitted for this SPA.

3. The State has amended the Qualified Working Disabled group, number 26 on page 9b of Attachment 2.2-A, to reflect the resource limit of 3 times the maximum standard under SSI, indexed annually by the increase in the consumer price index. Please revise, the QDWI group was not included in the MIPPA legislation. The resource limit should remain at twice the SSI standard.

Response: We have revised the state plan page. Please substitute the attached revised page for the page previously submitted for this SPA.

4. The State also needs to amend number 8 on page 22 in Attachment 2.6-A to reflect the increase in the resource standard due to MIPPA. Also, Qualified Individuals (QIs) should be added to the language under number 8. Please submit a revised page.

Response: We have revised the state plan page. Please make a pen and ink change to Box 8 and 9 on the Form 179 to add Attachment 2.6-A, Page 22 which supersedes TN 01-16, and Attachment 2.6-A, Page 22a, which is a new page.

5. Please add the citations for the following groups: QMB, SLMB and needs to add the citations for the QIs. This needs to be done for the Attachment 2.2-A pages and the Attachment 2.6-A pages that were submitted. Please refer to the attached draft pre-print for the correct citations. (Please refer to the pre-print attached.)

Response: We have revised the state plan page. Please substitute the attached revised page for the page previously submitted for this SPA.

6. Does the State intend to cover QDWIs under this disregard even if MIPPA did not extend to that group?

Response: The State does not wish to apply the resource disregards to QDWI since this group was not included in MIPPA, so it was removed as a group to which new resource disregards apply.

State: LOUISIANA

Citation(s)	Condition or Requirement
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7. Resource Standard - Medically Needy

1902(a)(10)(C)(i)
of the Act

a. Resource standards are based on family size.

b. A single standard is employed in determining resource resource eligibility for all groups.

c. In 1902(f) States, the resource standards are more restrictive than in 7.b. above for--

- Aged
- Blind
- Disabled

Supplement 2 to ATTACHMENT 2.6-A specifies the resource standards for all covered medically needy groups. If the agency chooses more restrictive levels under 7.c., Supplement 2 to ATTACHMENT 2.6-A so indicates.

1902(a)(10)(E),
1905(p)(1)(D), 1905(p)(2)(B)
and 1860D-14(a)(3)(D)
of the Act

8. Resource Standard - Qualified Medicare Beneficiaries, Specified Low-Income Medicare Beneficiaries and Qualified Individuals

For Qualified Medicare Beneficiaries covered under section 1902(a)(10)(E)(i) of the Act, Specified Low-Income Medicare Beneficiaries covered under section 1902(a)(10)(E)(iii) of the Act, and Qualified Individuals covered under 1902(a)(10)(E)(iv) of the Act, the resource standard is three times the SSI resource limit, adjusted annually by the increase in the Consumer Price Index (CPI).

SUPERSEDES: TN. 01-16

STATE <u>Louisiana</u>	A
DATE REC'D. <u>1-26-10</u>	
DATE APPV'D. <u>4-27-10</u>	
DATE EFF. <u>1-1-10</u>	
HCFA 179 <u>10-01</u>	

TN # 16-01
Supersedes TN # 01-16

Effective Date 1-1-10

Approval Date 4-27-10

State: LOUISIANA

Citation	Condition or Requirement
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7. Resource Standard - Medically Needy

1902 (a) (10) (C) (i)
of the Act

- a. Resource standards are based on family size.
- b. A single standard is employed in determining resource eligibility for Aged, Blind, and Disabled.
- c. In 1902 (f) States, the resource standards are more restrictive than in 7.b. above for --
 - ___ Aged
 - ___ Blind
 - ___ Disabled

Supplement 2 to ATTACHMENT 2.6-A specifies the resource standards for all covered medically needy groups. If the agency chooses more restrictive levels under 7.c., Supplement 2 so indicates.

1905 (p) (1) (D)
and (p) (2) (B)
of the Act

8. Resource Standard - Qualified Medicare Beneficiaries and Specified Low-Income Medicare Beneficiaries

For qualified Medicare beneficiaries covered under section 1902 (a) (10) (E) (i) of the Act and specified low-income Medicare beneficiaries covered under section 1902 (a) (10) (E) (iii) of the Act, the resource standard is twice the SSI standard.

1905 (s) of the Act

9. Resource Standard - Qualified Disabled and Working Individuals

For qualified disabled and working individuals covered under section 1902 (a) (10) (E) (ii) of the Act, the resource standard for an individual or a couple (in the case of an individual with a spouse) is twice the SSI resource standard.

STATE <u>Louisiana</u>	A
DATE REC'D <u>12-28-01</u>	
DATE APP'VD <u>02-22-02</u>	
DATE EFF <u>11-21-01</u>	
HCFA 179 <u>LA-01-16</u>	

TN No. 01-16 Approval Date 02-22-02 Effective Date 11-21-01

Supersedes

TN No. 93-21

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: LOUISIANA

MORE LIBERAL METHODS OF TREATING RESOURCES
UNDER SECTION 1902(r)(2) OF THE ACT*

Section 1902 (f) State

Non-Section 1902 (f) State

- 1) The Bureau of Health Services Financing eliminates the consideration of resources in determining Medicaid eligibility for the Low Income Families with Children and child related Medically Needy Programs.
- 2) An annuity meeting the criteria contained in Supplement 9 to Attachment 2.6-A, Page 1d, Item D, is not considered a resource in determining eligibility for individuals under 42 CFR 435.236.
- 3) The following will apply in the determination of Medicaid eligibility for the Medically Needy Program [1902(a)(10)(c)], TB infected individuals [1902(a)(10)(A)(ii)(XII)], the special income level group (individuals in a medical institution for at least 30 consecutive days [1902(a)(10)(A)(ii)(V)]) and individuals receiving home and community based waiver services for at least 30 consecutive days with gross income that does not exceed 300 percent of the SSI income standard [1902(a)(10)(A)(ii)(VI)], and Disability Medicaid [Optional Group of Aged and Disabled under the FPL covered under 1902(a)(10)(A)(ii)(X)]:
 - a. The maximum burial fund exclusion will be increased to \$10,000.
 - b. The cash surrender value of life insurance and burial policies with a combined face value up to \$10,000 will be disregarded.
- 4) For Working Individuals – TWWIA Basic Coverage Group-
 - Legal spouse's share of community property and spouse's separate assets will be disregarded.
 - All life insurance policies will be disregarded.
 - Medical Savings accounts will be disregarded.
 - All retirement accounts will be disregarded, including private retirement accounts, such as IRA's and other individual accounts, and employer sponsored retirement accounts such as 401K plans, Keogh and employer pension plans.

TN # 10-01 Effective Date 1-1-10
Supersedes TN # 07-15

Approval Date 1-27-10

SUPERSEDES: TN- 07-15

STATE	<u>LOUISIANA</u>	A
DATE REC'D.	<u>1-26-10</u>	
DATE APP'VD	<u>1-27-10</u>	
DATE EFF.	<u>1-1-10</u>	
HCFA 179	<u>10-01</u>	

Revision: HCFA-PM-91-4 (BPD)
Revised: November 1989

SUPPLEMENT 8b TO ATTACHMENT 2.6-A
Page 2
OMB No: 0938

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: LOUISIANA

MORE LIBERAL METHODS OF TREATING RESOURCES
UNDER SECTION 1902(r)(2) OF THE ACT*

- 5) The agency will comply with the mandatory provisions under Section 1917 of the Social Security Act as amended by the Deficit Reduction Act of 2005.
- 6). In determining eligibility for Qualified Medicare Beneficiary [1902(a)(10)(E)(i)], Qualified and Disabled Working Individuals [1902(a)(10)(E)(ii), Specified Low Income Beneficiary [1902(a)(10)(E)(iii)], and Qualified Individuals [1902(a)(10)(E)(iv), the following treatment of resources shall apply:
 - a. The maximum burial fund exclusion is \$10,000;
 - b. All life insurance will be disregarded regardless of cash surrender value; and
 - c. All vehicles will be disregarded regardless of value.

SUPERSEDES: TN- 06-13

STATE <u>Louisiana</u>	A
DATE REC'D <u>1-26-16</u>	
DATE APPV'D <u>4-27-10</u>	
DATE EFF <u>1-1-10</u>	
HCFA 179 <u>10-01</u>	

TN # 10-01
Supersedes TN # 06-13

Effective Date 1-1-10

Approval Date 4-27-10

Revision: HCFA-PM-93-2 (MB)
MARCH 1993

STATE	<u>Louisiana</u>	A
DATE REC'D	<u>1-26-10</u>	
DATE APPV'D	<u>4-27-10</u>	
DATE EFF	<u>1-1-10</u>	
HCFA 179	<u>10-01</u>	

Attachment 2.2-A
Page 9 b
OMB NO: 0938-

State: LOUISIANA

Agency*	Citation(s)	Groups Covered
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A. Mandatory Coverage – Categorically Needy and Other Required Special Groups (continued)

1902(a)(10)(E)(i),
1905(p) and
1860D-14(a)(3)(D)
of the Act

25. Qualified Medicare beneficiaries--
- a. Who are entitled to hospital insurance benefits under Medicare Part A, (but not pursuant to an enrollment under section 1818A of the Act);
 - b. Whose income does not exceed 100 percent of the Federal poverty level; and
 - c. Whose resources do not exceed three times the SSI resource limit, adjusted annually by the increase in the Consumer Price Index (CPI).

(Medical assistance for this group is limited to Medicare cost-sharing as defined in item 3.2 of this plan.)

1902(a)(10)(E)(ii),
1905(p)(3)(A)(i), and
1905(s) of the Act

26. Qualified disabled and working individuals--
- a. Who are entitled to hospital insurance benefits under Medicare Part A under section 1818A of the Act;
 - b. Whose income does not exceed 200 percent of the Federal poverty level; and
 - c. Whose resources do not exceed twice the maximum standard under SSI
 - d. Who are not otherwise eligible for medical assistance under Title XIX of the Act.

(Medical assistance for this group is limited to Medicare Part A premiums under section 1818A of the Act.).

SUPERSEDES: TN- 93-09

TN # 10-01 Effective Date 1-1-10 Approval Date 4-27-10
 Supersedes TN # 93-09

State: LOUISIANA

Agency*	Citation(s)	Groups Covered
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A. Mandatory Coverage – Categorically Needy and Other Required Special Groups
(continued)

27. Specified low-income Medicare beneficiaries--

- a. Who are entitled to hospital insurance benefits under Medicare Part A, (but not pursuant to an enrollment under section 1818A of the Act);
- b. Whose income for calendar years 1993 and 1994 exceeds the income level in 25.b., but is less than 100 percent of the Federal poverty level, and whose income for calendar years beginning in 1995 is less than 120 percent of the Federal poverty level; and
- c. Whose resources do not exceed- three times the maximum standard under SSI, indexed annually by the increase in the consumer price index.

(Medical assistance for this group is limited to Medicare Part B premiums under section 1839 of the Act.)

SUPERSEDES: TN- 93-09

STATE <u>Louisiana</u>	A
DATE REC'D <u>1-26-10</u>	
DATE APP'VD <u>4-27-10</u>	
DATE EFF <u>1-1-10</u>	
HCFA 179 <u>10-01</u>	

TN # 10-01 Effective Date 1-1-10
Supersedes TN # 93-09

Approval Date 4-27-10

State: LOUISIANA

Citation(s)	Condition or Requirement
-------------	--------------------------

1902(a)(10)(E)(ii), 1905(s)
and 1860D-14(a)(3)(D)
of the Act

9. Resource Standard - Qualified Disabled and Working
Individuals

For qualified disabled and working individuals covered under section 1902(a)(10)(E)(ii) of the Act, the resource standard for an individual or a couple (in the case of an individual with a spouse) is twice the SSI resource standard.

1902(u) of the Act

10. For COBRA continuation beneficiaries, the resource standard is:

___ Twice the SSI resource standard for an individual.

___ More restrictive standard as applied under section 1902(f) of the Act as described in Supplement 8 to Attachment 2.6-A.

STATE	<u>Louisiana</u>	A
DATE REC'D	<u>1-26-10</u>	
DATE APP'VD	<u>4-27-10</u>	
DATE EFF	<u>1-1-10</u>	
HCFA 179	<u>10-01</u>	

TN # 10-01 Effective Date 1-1-10
Supersedes TN # SUPERSEDES: NONE - NEW PAGE

Approval Date 4-27-10