

DEPARTMENT OF HEALTH & HUMAN SERVICES  
Centers for Medicare & Medicaid Services  
JFK Federal Building, Government Center  
Room 2275  
Boston, Massachusetts 02203



*CENTERS for MEDICARE & MEDICAID SERVICES*

**Division of Medicaid and Children's Health Operations / Boston Regional Office**

May 19, 2010

Brenda M. Harvey, Commissioner  
Department of Health and Human Services  
11 State House Station  
Commissioner's Office  
Augusta, Maine 04333-0011

Dear Ms. Harvey:

We are pleased to enclose a copy of approved State plan amendment (SPA) No. 10-003. This SPA is effective January 1, 2010.

SPA 10-001 transmitted a proposed amendment to your Agency's approved Title XIX State plan to reflect the changes enacted by the Medicare Improvements for Patients and Providers Act of 2008 (MIPPA). Section 115 of MIPPA requires States to exempt Medicare cost-sharing benefits paid under the Medicare saving programs (MSP) from estate recovery under section 1917(b)(1) of the Social Security Act (the Act). The intent of this provision is to encourage dual eligible beneficiaries to more fully utilize Medicare cost-sharing benefits available through the MSPs and allay concerns that Medicaid estate recovery will, after their death, lay claim to recover the value of these cost-sharing benefits from their estate. This provision was effective January 1, 2010.

Please note that as agreed to by your staff, the effective date of the SPA was changed from April 1, 2010 to January 1, 2010 to comply with §115 of MIPPA.

We reviewed this SPA for compliance with §1902(a)(73) of the Act as added by §5006(e) of the American Recovery and Reinvestment Act of 2009, Public Law 111-5. We determined that this SPA would benefit all Medicaid beneficiaries including members of Federally recognized tribes. We ask that your Department inform the Federally recognized tribes in your state of the changes brought forth by §115 of MIPPA.

Please note that we approved this SPA as revised. Per agreement with your staff, we added the statutory citation, "section 1917(b)(1) of the Social Security Act" in box 6 of the Transmittal and Notice of Approval of State Plan Material (CMS-179). We also revised box 15 to indicate the actual date the SPA was submitted. Further, we indicate in box 17 that the proposed effective date was revised to January 1, 2010 as agreed to by your staff.

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If there are questions, please contact Chong Tieng. He can be reached at (617) 565-9157.

Sincerely,

/s/

Richard R. McGreal  
Associate Regional Administrator

