

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
Jacob K. Javits Federal Building
26 Federal Plaza
Room 37-100
New York, New York 10278-0063

CMS

CENTERS for MEDICARE & MEDICAID SERVICES

December 7, 2011

Jason A. Helgeson, Deputy Commissioner
Office of Health Insurance Programs
New York State Department of Health
Corning Tower—Room 1441
Empire State Plaza
Albany, New York 12237


Dear Mr. Helgeson:

We have completed our review of New York State Plan Amendment submittal 11-44, "Disregard Retirement Assets such as 401(k) Plans and Increase Resource Standards for Medicaid Buy-in Program for Working People with Disabilities" and find it acceptable for incorporation into New York's Medicaid Plan, effective October 1, 2011. Enclosed please find copies of State Plan Amendment 11-44 and Form CMS-179.

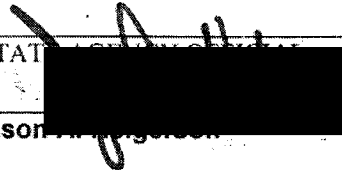

Please note that as requested, we have substituted the originally submitted CMS-179 with the revised CMS-179 submitted to our office via e-mail on October 24, 2011.

If you have any questions or wish to discuss this further, please contact Kanoena Cook of my staff at 212-616-2210.

Sincerely,


Michael Merendez
Associate Regional Administrator
Division of Medicaid and Children's Health

Enclosures

TRANSMITTAL AND NOTICE OF APPROVAL OF STATE PLAN MATERIAL		1. TRANSMITTAL NUMBER: #11-44	2. STATE New York
FOR: HEALTH CARE FINANCING ADMINISTRATION		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 October 1, 2011	
5. TYPE OF PLAN MATERIAL (Check One): <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 (Separate Transmittal for each amendment)			
6. FEDERAL STATUTE/REGULATION CITATION: 1902(a)(10)(A)(ii)(XV) & 1902(a)(10)(A)(ii)(XVI) of the Social Security Act		7. FEDERAL BUDGET IMPACT: a. FFY 10/01/11-09/30/12 \$1.5 million b. FFY 10/01/12-09/30/13 \$1.5 million	
8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT: Attachment 2.6-A: Pages 12d, 12g, 12h, 12k Attachment 2.6A, Supplement 8b: Page 7 ** SEE REMARKS		9. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable): Attachment 2.6-A: Pages 12d, 12g, 12h, 12k	
10. SUBJECT OF AMENDMENT: Disregard Retirement Assets Such as 401(k) Plans and Increase Resource Standards for Medicaid Buy-In program for Working People with Disabilities (MBI-WPD) (FMAP = 50%)			
11. GOVERNOR'S REVIEW (Check One): <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 REPRESENTATIVE 		16. RETURN TO: New York State Department of Health Corning Tower Empire State Plaza Albany, New York 12237	
13. TYPED NAME: Jason P. Ferguson			
14. TITLE: Medicaid Director & Deputy Commissioner Department of Health			
15. DATE SUBMITTED: September 19, 2011			
FOR REGIONAL OFFICE USE ONLY			
17. DATE RECEIVED:		18. DATE APPROVED: December 7, 2011	
PLAN APPROVED - ONE COPY ATTACHED			
19. EFFECTIVE DATE OF APPROVED MATERIAL: October 1, 2011			
21. TYPED NAME: Michael Melendez		Associate Regional Administrator Division of Medicaid and State Operations	
23. REMARKS: By means of this SPA New York State implements an increase in the resource standards and the disregard of retirement accounts in determining eligibility for the Medicaid Buy-in program for Working People with Disabilities (MBI-WPD).			

OFFICIAL

State/Territory : New York

Citation	Condition or Requirement
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1902(a)(10)(A)
(ii)(XV) of the Act

(ii) Working Individuals with Disabilities - Basic
Coverage Group - TWWIIA

In determining financial eligibility for working individuals with disabilities under this provision, the following standards and methodologies are applied:

The agency does not apply any income or resource standard.

NOTE: If the above option is chosen, no further eligibility-related options should be elected.

The agency applies the following income and/or resource standard(s):

Net available monthly income, using SSI methodology for a one-person or a two-person household, may not exceed 250 percent of the applicable Federal Poverty Level. Countable resources may not exceed [the Medically Needy resource level] \$20,000 for a one-person or \$30,000 for a two-person household.

TN#: #11-44

Approval Date: DEC 07 2011

Supersedes TN#: #08-10

Effective Date: OCT 01 2011

OFFICIAL

State/Territory: **New York**

Citation	Condition or Requirement
1902(a)(10)(A) (ii)(XV) of the Act (cont.)	<p><input type="checkbox"/> The agency does not disregard funds in retirement accounts.</p> <p><input checked="" type="checkbox"/> The agency uses resource methodologies in addition to any indicated above that are more liberal than those used by the SSI program. More liberal resource methodologies are described in Supplement 8b to Attachment 2.6-A.</p> <p><input type="checkbox"/> The agency uses the resource methodologies of the SSI program.</p> <p><input type="checkbox"/> The agency uses methodologies for treatment of resources that are more restrictive than the SSI program. These more restrictive methodologies are described in Supplement 5 to Attachment 2.6-A.</p>

TN#: **#11-44**

Approval Date: **DEC 07 2011**

Supersedes TN#: **#03-11**

Effective Date: **OCT 01 2011**

OFFICIAL

State/Territory: New York

Citation	Condition or Requirement
1902(a)(10)(A) (ii)(XVI) of the Act	<p>(iii) Working Individuals with Disabilities – Employed Medically Improved Individuals – TWWIIA</p> <p>In determining financial eligibility for employed medically improved individuals under this provision, the following standards and methodologies are applied:</p> <p><input type="checkbox"/> The agency does not apply any income or resource standard.</p> <p>NOTE: If the above option is chosen, no further eligibility-related options should be elected.</p> <p><input checked="" type="checkbox"/> The agency applies the following income and/or resource standard(s):</p> <p>Net available monthly income, using SSI methodology for a one-person or two-person household, may not exceed 250% of the applicable Federal Poverty Level. Countable resources may not exceed [the Medically Needy resource level] <u>\$20,000</u> for a one- person or <u>\$30,000</u> for a two-person household.</p>

TN#: #11-44

Supersedes TN#: #08-10

Approval Date: DEC 07 2011

Effective Date: OCT 01 2011

OFFICIAL

State/Territory: New York

Citation	Condition or Requirement
1902(a)(10)(A) (ii)(XVI) of the Act (cont.)	<p><input type="checkbox"/> The agency does not disregard funds in retirement accounts.</p> <p><input checked="" type="checkbox"/> The agency uses resource methodologies in addition to any indicated above that are more liberal than those used by the SSI program. More liberal resource methodologies are described in Supplement 8b to Attachment 2.6-A.</p> <p><input type="checkbox"/> The agency uses the resource methodologies of the SSI program.</p> <p><input type="checkbox"/> The agency uses methodologies for treatment of resources that are more restrictive than the SSI program. These more restrictive methodologies are described in Supplement 5 to Attachment 2.6-A.</p>

TN#: #11-44

Approval Date: DEC 07 2011

Supersedes TN#: #03-11

Effective Date: OCT 01 2011

OFFICIAL

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State/Territory: New York

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

Section 1902 (f) State

Non-Section 1902 (f) State

In determining the Medicaid eligibility for persons under 1902(a)(10)(A)(ii)(XV) and 1902(a)(10)(A)(ii)(XVI) of the Social Security Act, disregard all funds held in retirement funds and accounts, including private retirement accounts such as IRAs and other individual accounts, and employer sponsored retirement plans such as 401(k) plans, Keogh plans, and employer pension plans.

TN#: #11-44

Approval Date: DEC 07 2011

Supersedes TN#: New

Effective Date: OCT 01 2011

New