

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



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

May 19, 2010

Robert D. Hofmann, Secretary
Agency of Human Services
103 South Main Street
Waterbury, Vermont 05671-0204

Dear Mr. Hofmann:

We are pleased to enclose a copy of approved State plan amendment (SPA) No. 10-001. 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 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 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 added the phrase "Estate Recovery Limitations" in box 10 to clarify the subject of the amendment.

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

Sincerely,

/s/

Richard R. McGreal
Associate Regional Administrator

Enclosure

cc: Susan Besio