



NY State of Health Comments on the Basic Health Program Federal Funding Methodology (“[Proposed Methodology](#)”) for Program Year 2023

On behalf of the NY State of Health, New York’s Official Health Plan Marketplace, we appreciate the opportunity to comment on the proposed regulations for 42 CFR part 600, Department of Health and Human Services, Centers for Medicare & Medicaid Services [CMS–2441–P]. These comments are submitted without waiver of or prejudice to any of New York’s rights or claims to litigation.

The following comments apply to new proposals in the Proposed Methodology. Please refer to New York’s prior submissions for comments on the BHP Federal Funding Methodology that is currently in effect.

Premium Adjustment Factor (PAF)

CMS proposes to apply the same PAF in 2023 as is currently in place for 2022.

NY State Comments

NY State supports maintaining the value of the PAF at 1.188 for program year 2023.

1332 Waiver Factor (WF)

CMS proposes to consider the amount of pass-through funding associated with approved section 1332 waivers associated with Premium Tax Credit (PTC) for the purpose of computing Federal BHP payments by including a 1332 WF in BHP Funding Methodology. The rule proposes to derive the factor from the ratio of what the reference premium would have been without the waiver to what it would have been with the waiver and would be state and geographic-area specific.

NY State Comments

NY State supports regulatory changes that balance the ACA’s intent of enabling states to find innovative ways of expanding coverage and reducing costs for their residents, without penalizing them from funding standpoint. NY State recommends that CMS continue to explore ways to keep states whole as they implement opportunities to expand affordable, comprehensive coverage to their residents.



Correction to 2019 Income Reconciliation Factor (IRF)

CMS proposes to correct the IRF for 2019 that resulted from a mathematical error.

NY State Comments

NY State supports CMS correcting the 2019 IRF and looks forward to guidance on when updated payments will be issued to the state.

New York appreciates CMS's consideration of these comments and looks forward to continuing to work with our federal partners to refine and implement the proposed regulations.