

May 7, 2012

**SUBJECT: New York State Department of Health comments filed on:
Patient Protection and Affordable Care Act: Establishment of Exchanges
and Qualified Health Plans; Exchange Standards for Employers (CMS-9989-
F) and Medicaid Program: Eligibility Changes under the Affordable Care
Act of 2010 (CMS-2349-F)**

The New York State Department of Health is submitting comments on the interim rules issued as part of the March 27, 2012 final rules establishing health insurance exchanges and the March 16, 2012 final rules for Medicaid program eligibility changes under the Affordable Care Act. New York acknowledges and appreciates the tremendous work of our federal partners at HHS and CCIIO to align, streamline and simplify enrollment across all Insurance Affordability programs, as reflected in these regulations. New York is committed to the vision created by the Affordable Care Act of a continuum of coverage based on income as well as a more streamlined enrollment process for all those eligible for coverage. Thank you for the opportunity to submit these comments.

In this transmittal memo, we are providing comments on the proposed interim rules.

Medicaid Program: Eligibility Changes under the Affordable Care Act of 2010 (CMS-2349-F)

431.300(c) (1) and (d) safeguarding information on applicants and beneficiaries. We seek confirmation that the income tax information of every individual included in the MAGI household will be available to determine the eligibility of any member of that household applying for coverage through the health insurance exchange.

Patient Protection and Affordable Care Act: Establishment of Exchanges and Qualified Health Plans; Exchange Standards for Employers (CMS-9989-F)

155.305(g) We seek confirmation that calculating and tracking cost sharing reductions, as well as issuing APTC and cost sharing payments and reconciliations will primarily be a function of the Qualified Health Plans and the Secretary. We seek clarification of any role a state operated exchange would have, in monitoring or oversight in this area.

Per 155.315 (f)(2)(ii), it appears that evidence for resolving inconsistencies can only be submitted by mail, in person or online. We believe a state should have the flexibility to allow submission of evidence to resolve discrepancies by telephone. With appropriate identity

verification, resolving discrepancies via telephone would appear to be the same as resolving them online or by mail.

155.420 Special Enrollment Periods. We recommend that pregnancy be added as a qualifying event to trigger the special enrollment period.

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