

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
Center for Consumer Information and Insurance Oversight
200 Independence Avenue SW
Washington, DC 20201



June 6, 2023

VIA ELECTRONIC MAIL: James.McDonald@health.ny.gov

James V. McDonald
Acting Commissioner
New York State Department of Health
Empire State Plaza
Corning Tower
Albany, NY 12237

Dear Acting Commissioner McDonald:

Thank you for your submission on May 12, 2023, of New York's application for a State Innovation Waiver under section 1332 of the Affordable Care Act (ACA). New York's application seeks to waive certain ACA requirements to create a new coverage program that generally mirrors the State's Essential Plan¹ and to expand eligibility for that new coverage program to certain residents with incomes up to 250% of the Federal Poverty Level who would otherwise be eligible for subsidized coverage on the Marketplace for plan years 2024 through 2028. I am pleased to send this letter from the Center for Consumer Information and Insurance Oversight (CCIIO) within the Centers for Medicare & Medicaid Services (CMS) under the Department of Health and Human Services (HHS), as well as on behalf of the Department of the Treasury (collectively, the Departments). The Departments have completed a preliminary review of the application in accordance with 45 C.F.R. § 155.1308(c) and 31 C.F.R. § 33.108(c), and have made a preliminary determination that New York's application is complete.

Pursuant to 45 C.F.R. § 155.1308(d) and 31 C.F.R. § 33.108(d), the date of this letter marks the beginning of the Federal public notice and comment process and 180-day Federal decision-making period. Public comments on New York's waiver application will be accepted by the Departments from June 6, 2023 through July 5, 2023, and more information about the Federal public notice and comment process and section 1332 waivers generally can be found on the CCIIO website.² The decision of the Departments regarding approval or denial of New York's waiver application will be issued within 180 days of this preliminary determination of completeness in accordance with 45 C.F.R. § 155.1316(c), 31 C.F.R. § 33.116(c), and other applicable regulations.

We look forward to working with you on your waiver application and will be in touch if we need additional information. Please do not hesitate to contact us if you have any questions.

¹ The State's Essential Plan is currently operating under the state's existing Basic Health Program under section 1331 of the ACA. If its section 1332 waiver proposal is approved, New York will seek to suspend its existing BHP and seamlessly transition that population to its new section 1332 waiver program.

² https://www.cms.gov/CCIIO/Programs-and-Initiatives/State-Innovation-Waivers/Section_1332_state_Innovation_Waivers-.html

Sincerely,

A handwritten signature in black ink, appearing to read "Ellen Montz". The signature is fluid and cursive, with the first name "Ellen" and the last name "Montz" clearly distinguishable.

Ellen Montz, Ph.D.

Director, Center for Consumer Information & Insurance Oversight
Deputy Administrator, Centers for Medicare & Medicaid Services

CC: Lily Batchelder, Assistant Secretary for Tax Policy, U.S. Department of the Treasury
The Honorable Kathy Hochul, Governor, State of New York
Megan E. Baldwin, Acting Executive Deputy Commissioner, New York State Department
of Health
Danielle Holahan, Executive Director, NY State of Health
Sonia Sekhar, Deputy Director, NY State of Health