

DEPARTMENT OF HEALTH & HUMAN SERVICES  
Centers for Medicare & Medicaid Services  
7500 Security Boulevard, Mail Stop S2-01-16  
Baltimore, MD 21244-1850



Children and Adults Health Programs Group

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April 19, 2023

Lisa Sbrana  
Director  
Division of Eligibility and Marketplace Integration  
Office of Health Insurance Programs  
New York State Department of Health  
OHIP Mailroom, One Commerce Plaza, 12th floor - RM 1203  
Albany, NY 12260

Dear Ms. Sbrana:

This letter is in response to New York's request, dated February 7, 2023, for a waiver under section 1902(e)(14)(A) of the Social Security Act (the Act), that will protect beneficiaries in addressing the challenges the state faces as part of a transition to routine operations when the continuous enrollment condition ends. Section 1902(e)(14)(A) of the Act allows for waivers "as are necessary to ensure that states establish income and eligibility determination systems that protect beneficiaries." Section 2107(e)(1)(I) of the Act applies section 1902(e)(14)(A) to separate Children's Health Insurance Programs (CHIP). Such waivers are time-limited and are meant to promote enrollment and retention of eligible individuals by easing the administrative burden states may experience in light of systems limitations and challenges.

The ongoing COVID-19 pandemic and implementation of federal policies to address the PHE have disrupted routine Medicaid and CHIP eligibility and enrollment operations. Medicaid and CHIP enrollment has grown to historic levels due in large part to the continuous enrollment requirements that states implemented as a condition of receiving a temporary 6.2 percentage point federal medical assistance percentage increase under section 6008 of the Families First Coronavirus Response Act (P.L. 116-127).

Consistent with the March 3, 2022 Centers for Medicare & Medicaid Services (CMS) State Health Official (SHO) letter #22-001, "*Promoting Continuity of Coverage and Distributing Eligibility and Enrollment Workload in Medicaid, the Children's Health Insurance Program (CHIP), and Basic Health Program (BHP) Upon Conclusion of the COVID-19 Public Health Emergency*," New York has requested that CMS provide authority under section 1902(e)(14)(A) and 2107(e)(1)(I) of the Act to temporarily permit the state to renew CHIP eligibility for individuals who are receiving benefits under the Supplemental Nutritional Assistance Program (SNAP), despite the differences in household composition and income-counting rules. The state has expressed the need for this authority in order to address systems and operational issues related to managing staff workload during the unwinding period. Specifically, the state cited concerns that the extraordinarily high volume of renewals and other eligibility and enrollment actions that need to be conducted during the unwinding period would create an unmanageable workload given limited staff capacity.

Under Section 1902(e)(14)(A) and 2107(e)(1)(I) of the Act, your request to renew CHIP eligibility for individuals who are receiving benefits under SNAP, despite the differences in household composition and income-counting rules, is approved, as described and subject to the conditions below.

*Renewal for Individuals Based on SNAP Eligibility (CHIP)*

The authority provided in accordance with this letter will enable the state, during the period of time specified below, to renew CHIP eligibility for individuals who are receiving SNAP benefits, despite the differences in household composition and income-counting rules. Under this authority, the state will renew CHIP eligibility for SNAP participants whose gross income as determined by SNAP is under 200% of the federal poverty level (FPL) without conducting a separate MAGI-based income determination.

The authority provided in this letter is effective for renewals initiated in the first month of the state's unwinding period, and will remain effective for renewals initiated through the end of the state's unwinding period.

The authority provided in this letter is subject to CMS receiving your written acknowledgement of this approval and acceptance of this new authority and the terms described herein within 30 days of the date of this letter.

We look forward to our continuing work together as part of a transition to routine operations. If you have questions regarding this award, please contact Joe Weissfeld and Jessika Douglas in the Division of Enrollment Policy and Operations, at [josef.weissfeld@cms.hhs.gov](mailto:josef.weissfeld@cms.hhs.gov) and [jessika.douglas@cms.hhs.gov](mailto:jessika.douglas@cms.hhs.gov).

Sincerely,

A handwritten signature in blue ink that reads "Sarah deLone". The signature is fluid and cursive, with a long, sweeping underline.

Sarah deLone, Director,  
Children and Adults Health Programs Group