

October 1, 2012

Gustavo Seinos, Project Officer  
Center for Consumer Information and Insurance Oversight  
Centers for Medicare & Medicaid Services  
200 Independence Avenue SW  
Washington, DC 20201

Dear Gustavo:

This letter is intended to formally notify you of our selection of a benchmark plan that meets the Essential Health Benefits requirement as outlined in the Affordable Care Act (ACA). New York State has selected the largest small group plan in the state, Oxford EPO, as the benchmark plan. According to an in-depth analysis by Milliman for New York, this plan provides comprehensive benefit coverage to consumers while minimizing costs to both the individual and small group markets.

The state has electronically submitted our benchmark plan selection to the Health Insurance Oversight System on Monday, October 1, 2012.

In addition to the selection of a benchmark plan, per HHS guidance, we have indicated the coverage areas in which benefits will be supplemented in order to meet ACA requirements. We have outlined these areas and the preferred supplementation method below:

- **Pediatric Dental/Vision Coverage** – New York State prefers to supplement the benchmark selection with the current pediatric dental/vision benefits that are offered as part of the state's CHIP coverage.
- **Habilitative Services** – New York State prefers that coverage parameters for habilitative services be offered on parity with rehabilitative services.
- **Mental Health/Substance Abuse Parity** - Any existing limits on these benefits must be removed as mental health parity is included as part of the EHB definition.
- **Removal of Annual/Lifetime Dollar Limits** - New York State awaits further federal guidance on the process for substituting dollar limits on benefits with actuarially equivalent quantitative limits (e.g., annual visit limits).

We understand HHS intends to release state-specific benchmark plan selections as part of a federal Notice of Proposed Rulemaking (NPRM) that will be open to public comment. We look forward to continuing to work with you throughout this process and welcome further federal guidance on this important issue.

Sincerely,

A handwritten signature in cursive script, reading "Donna Frescatore".

Donna Frescatore  
Executive Director  
New York State Health Benefit Exchange