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State/Territory Name: NY

State Plan Amendment (SPA): NY-24-0076

This file contains the following documents in the order listed:

- 1) Approval Letter
- 2) CMS 179 Form/Summary Form (with 179-like data)
- 3) Approved SPA Page

DEPARTMENT OF HEALTH & HUMAN SERVICES

Centers for Medicare & Medicaid Services
Center for Medicaid & CHIP Services
230 South Dearborn
Chicago, Illinois 60604



Financial Management Group

June 18, 2024

Amir Bassiri
New York State Medicaid Director
Department of Health (DOH)
99 Washington Ave-One Commerce Plaza Suite 1432
Albany, NY 12210

RE: TN 24-0076

Dear Director Bassiri:

The Centers for Medicare & Medicaid Services (CMS) has reviewed the proposed New York state plan amendment (SPA) to Attachment 4.19-B of NY-24-0076, which was submitted to CMS on June 14, 2024. This plan amendment extends the date for distribution of funds for the Assisted Living Program until March 31, 2025.

We reviewed your SPA submission for compliance with statutory requirements including in sections 1902(a)(2), 1902(a)(13), 1902(a)(30), and 1903 as it relates to the identification of an adequate source for the non-federal share of expenditures under the plan, as required by 1902(a)(2), of the Social Security Act and the applicable implementing Federal regulations.

Based upon the information provided by the state, we have approved the amendment with an effective date of April 1, 2024. We are enclosing the approved CMS-179 and a copy of the new state plan page.

If you have any additional questions or need further assistance, please contact Jerica Bennett at 410-786-1167 or via email at jerica.bennett@cms.hhs.gov.

Sincerely,



Todd McMillion
Director
Division of Reimbursement Review

Enclosures

**TRANSMITTAL AND NOTICE OF APPROVAL OF
STATE PLAN MATERIAL
FOR: CENTERS FOR MEDICARE & MEDICAID SERVICES**

1. TRANSMITTAL NUMBER

2 4 — 0 0 7 6

2. STATE

N Y

3. PROGRAM IDENTIFICATION: TITLE OF THE SOCIAL SECURITY ACT

XIX XXI

TO: CENTER DIRECTOR
CENTERS FOR MEDICAID & CHIP SERVICES
DEPARTMENT OF HEALTH AND HUMAN SERVICES

4. PROPOSED EFFECTIVE DATE

April 1, 2024

5. FEDERAL STATUTE/REGULATION CITATION

§ 1905(a)(7) Home Health Care Services

6. FEDERAL BUDGET IMPACT (Amounts in WHOLE dollars)

a. FFY 04/01/24-09/30/24* \$ 20,000,000
b. FFY 10/01/24-09/30/25 \$ 0

7. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT

Attachment 4.19-B: Page 4(c)(3)

8. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable)

Attachment 4.19-B: Page 4(c)(3)

9. SUBJECT OF AMENDMENT

ARPA HCBS Supplemental ALP Payment Update

10. GOVERNOR'S REVIEW (Check One)

- GOVERNOR'S OFFICE REPORTED NO COMMENT
 COMMENTS OF GOVERNOR'S OFFICE ENCLOSED
 NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL

OTHER, AS SPECIFIED:

11. SIGNATURE OF STATE AGENCY OFFICIAL

12. TYPED NAME

Michael Ogborn

13. TITLE

Deputy Medicaid Director

14. DATE SUBMITTED

June 14, 2024

15. RETURN TO

New York State Department of Health
Division of Finance and Rate Setting
99 Washington Ave – One Commerce Plaza
Suite 1432
Albany, NY 12210

FOR CMS USE ONLY

16. DATE RECEIVED

06/14/2024

17. DATE APPROVED

June 18, 2024

PLAN APPROVED - ONE COPY ATTACHED

18. EFFECTIVE DATE OF APPROVED MATERIAL

OFFICIAL

20. TYPED NAME OF APPROVING OFFICIAL

Todd McMillion

21. TITLE OF APPROVING OFFICIAL

Director, Division of Reimbursement Review

22. REMARKS

*The fiscal period is calculated through 6/30/24.

New York
4(c)(3)

1905(a)(7) Home Health Care Services

Effective June 1, 2023, the State will distribute \$40 million to eligible Assisted Living Programs through a one-time supplemental payment as described in the approved New York State American Rescue Act Home and Community Based Service Spending Plan under the Improve and Support the Assisted **Living Program (ALP) Workforce initiative. The purpose of this supplemental payment is to support** programs impacted by the COVID-19 pandemic. New York State will distribute these funds based on individual members served by each program through a one-time lump sum payment distributed to program sites on or before March 31, 2025. The methodology for payment will first be to determine the unique member utilization across all sites between April 1, 2023 to June 30, 2023. The next step will result in 90% of the \$40 million total funds determined proportionately across all eligible sites. Additionally, for sites who served less than 30 unique members, another calculation will result in 10% of the \$40 million total funds determined proportionately across these eligible sites. This will result in a one time lump sum payment. Funding may not be used to supplant the level of State funds expended for Home and Community-Based Services (HCBS).

Sites will be able to use these funds to support the workforce development strategies. To be eligible, program sites must hold a valid operating certificate and be actively working toward or confirm their compliance to the HCBS Settings Rule and programmatic regulations as stated in the HCBS Final Rule Statewide Transition Plan. Sites must also submit an attestation of their intended use of funds and confirm funding will not be used for capital investments.

Excluded sites:

- Sites which are not fully compliant to HCBS Settings or working toward completing activities related to a corrective action plan. Sites which do not submit an accepted attestation of their intended use of funds.
- Sites which do not confirm funds will not be used for capital investments.
- Sites which are closed at the time of fund distribution, or those that are open but not actively providing services.

Eligible sites:

- Open sites are defined as those with the appropriate staff and are either actively providing services or have planned an opening date before June 1, 2023
- New York State will distribute these funds based on individual members served by each program through a one-time lump sum payment on or before March 31, 2025.

TN #24-0076

Approval Date June 18, 2024

Supersedes TN #23-0064

Effective Date April 1, 2024