



DEPARTMENT OF HEALTH & HUMAN SERVICES



Re: DMCH: BPW

Region II
Federal Building
26 Federal Plaza
New York, NY 10278

July 26, 2011

Jason A. Helgeson
State Medicaid Director
Deputy Commissioner
Office of Health Insurance Programs
New York State Department of Health
Empire State Plaza
Corning Tower, Room 1466
Albany, New York 12237

Re: **NY SPA #11-14**

Dear Commissioner Helgeson:

This letter is being sent in conjunction with the Centers for Medicare & Medicaid Services (CMS) approval of New York State Plan Amendment (SPA) #11-14, which amendment enables New York to continue making supplemental payments to personal care service agencies for the purpose of improving recruitment and retention of nonsupervisory workers or workers with direct patient care responsibility.

In reviewing SPA #11-14, CMS staff performed a program analysis of the corresponding services and a reimbursement analysis related to the services impacted by the provisions of SPA #11-14. These analyses revealed a coverage issue, set out below, which the State needs to address through a State plan amendment in order to meet the requirements of Section 1902 of the Social Security Act.

In response to the State's request, CMS has agreed that the State may respond to this issue in the context of responding to the SPA 10-38 companion letter issues. To this end, CMS welcomes the opportunity to work with you and your staff and to provide any technical assistance to resolve the issue below.

Coverage Issue for SPA #11-14:

1. The State refers to "family care providers" on page 6(a)(i)(1) of Attachment 4.19-B. However, there is no mention of this provider type of personal care services (PCS) on the coverage pages. Therefore, please add a description of "family care providers" to the State plan PCS coverage pages.

If you have any questions or wish to discuss this SPA further, please contact Shing Jew or Barbara Waugh of this office. Mr. Jew may be reached at (212) 616-2426 and Ms. Waugh at (212) 616-2366.

Sincerely,

/s/

Michael Melendez
Associate Regional Administrator
Division of Medicaid and Children's Health

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