

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



September 6, 2024

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

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

Dear Commissioner McDonald:

On March 1, 2024, the Department of Health and Human Services and the Department of the Treasury approved New York's application for a State Innovation Waiver under section 1332 of the Patient Protection and Affordable Care Act (ACA). New York's approved application waives sections 1312(c)(1) and 1402 of the ACA, as well as section 36B of the Internal Revenue Code to allow for the full implementation of a new coverage program called the Essential Plan Expansion for April 2024 through plan year 2028.

It is the Department of the Treasury's final administrative determination that New York's final pass-through funding amount for calendar year 2024 is \$10,006,274,997. Due to the nature, structure, and financing of the waiver, New York was provided interim pass-through funding in the amounts of \$4,000,000,000 on April 9, 2024, and \$2,000,000,000 on August 12, 2024. Therefore, New York will receive an additional \$4,006,274,997 in pass-through funding in September 2024. All pass-through funding must be used for purposes of implementing New York's State Innovation Waiver.

We look forward to continuing to work with you and your staff. If you have any questions regarding program matters or official correspondence concerning the waiver, please contact stateinnovationwaivers@cms.hhs.gov.

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

CC: Aviva Aron-Dine, Acting Assistant Secretary, Tax Policy, U.S. Department of the Treasury
The Honorable Kathy Hochul, Governor, State of New York
Johanne Morne, 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

DEPARTMENT OF HEALTH & HUMAN SERVICES
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200 Independence Avenue SW
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August 12, 2024

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

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

Dear Commissioner McDonald:

On March 1, 2024, the Department of Health and Human Services and the Department of the Treasury approved New York's application for a State Innovation Waiver under section 1332 of the Patient Protection and Affordable Care Act (ACA). New York's approved application waives sections 1312(c)(1) and 1402 of the ACA, as well as section 36B of the Internal Revenue Code to allow for the creation and implementation of a new coverage program called the Essential Plan Expansion for April 2024 through plan year 2028.

Due to the nature, structure, and financing of the waiver, and as described in New York's specific terms and conditions, pass-through funding will be made available to the state in two portions for each calendar year, an interim payment and a final payment. On April 9, 2024, New York received an interim pass-through funding amount for the 2024 calendar year of \$4,000,000,000. However, in this first year of the waiver, complexities in finalizing a pass-through calculation methodology that accounts for the particulars of this unique and novel waiver have delayed the determination of New York's final pass-through payment for calendar year 2024, and the Department of the Treasury has determined that a second interim pass-through payment is appropriate. The Department of the Treasury has further determined that the funding amount of the second interim payment for calendar year 2024 of \$2,000,000,000 will be made available to the state. A determination by the Department of the Treasury with respect to New York's final 2024 pass-through funding amount will be made in September 2024. All pass-through funding must be used for purposes of implementing New York's State Innovation Waiver.

We look forward to continuing to work with you and your staff. If you have any questions regarding program matters or official correspondence concerning the waiver, please contact Lina Rashid at Lina.Rashid@cms.hhs.gov or stateinnovationwaivers@cms.hhs.gov.

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

CC: Aviva Aron-Dine, Acting Assistant Secretary, Tax Policy, U.S. Department of the Treasury
The Honorable Kathy Hochul, Governor, State of New York
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DEPARTMENT OF HEALTH & HUMAN SERVICES
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Center for Consumer Information and Insurance Oversight
200 Independence Avenue SW
Washington, DC 20201



April 9, 2024

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

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

Dear Commissioner McDonald:

On March 1, 2024, the Department of Health & Human Services and the Department of the Treasury approved New York's application for a State Innovation Waiver under section 1332 of the Patient Protection and Affordable Care Act (ACA). New York's approved application waives sections 1312(c)(1) and 1402 of the ACA, as well as section 36B of the Internal Revenue Code to allow for the full implementation of a new coverage program called the Essential Plan Expansion for April 2024 through plan year 2028.

Due to the nature, structure, and financing of the waiver, and as described in New York's specific terms and conditions, pass-through funding will be made available to the state in two portions. The Department of the Treasury has determined that New York's interim pass-through funding amount for calendar year 2024 is \$4,000,000,000; a determination by the Department of the Treasury with respect to New York's final 2024 pass-through funding amount will be made by July 2024. All pass-through funding must be used for purposes of implementing New York's State Innovation Waiver.

We look forward to continuing to work with you and your staff. If you have any questions regarding program matters or official correspondence concerning the waiver, please contact Lina Rashid at Lina.Rashid@cms.hhs.gov or stateinnovationwaivers@cms.hhs.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeff Wu', is written over a light blue horizontal line.

Jeff Wu
Acting Director, Center for Consumer Information & Insurance Oversight
Centers for Medicare & Medicaid Services

CC: Aviva Aron-Dine, Acting Assistant Secretary, Tax Policy, U.S. Department of the
Treasury
The Honorable Kathy Hochul, Governor, State of New York
Johanne Morne, 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