

Ms. Donna Frescatore

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DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
7500 Security Boulevard, Mail Stop S2-26-12
Baltimore, Maryland 21244-1850



Disabled and Elderly Health Programs Group

May 13, 2020

Ms. Donna Frescatore
State Medicaid Director, Deputy Commissioner
State of New York, Department of Health
Empire State Plaza, Corning Tower, Room 1466
Albany, NY 12237

Dear Ms. Frescatore:

We are pleased to inform you that the Centers for Medicare & Medicaid Services (CMS) is approving New York's request for an initial 1915(b)(4) Fee-for-Service (FFS) Selective Contracting Program Waiver, under CMS control number NY-13.00.00, entitled Crisis Services for Individuals with Intellectual and Developmental Disabilities (CSIDD). This waiver allows the state to selectively contract with CSIDD providers who will provide rehabilitative short-term targeted services for eligible individuals with intellectual and/or developmental disabilities age six (6) and older who have significant behavioral or mental health needs. This 1915(b) waiver is authorized under section 1915(b)(4) of the Social Security Act and provides a waiver of the following section of Title XIX:

- Section 1902(a)(23) Freedom of Choice

On December 16, 2019, CMS also approved the state's request to amend Attachments 3.1-A, 3.1-B and 4.19-D of your Medicaid State Plan submitted under transmittal number (TN) 19-0014. The purpose of this amendment was to change the state's rehabilitation benefit by implementing targeted services for individuals with intellectual and/or developmental disabilities who have significant behavioral or mental health needs for individuals age 6 and older. This State plan authority is a concurrent authority to this 1915(b) waiver.

Our decision on the 1915(b) waiver is based on the evidence submitted to CMS demonstrating that the state's proposal is consistent with the purposes of the Medicaid program, will meet all statutory and regulatory requirements for assuring beneficiaries' access to and quality of services, and will be a cost-effective means of providing services to those beneficiaries in New York's Medicaid population.

This 1915(b) waiver is effective for a five-year period beginning July 1, 2020 through June 30, 2025. The state may request renewal of this authority by providing evidence and documentation of satisfactory performance and oversight. New York's request that this authority be renewed should be submitted to CMS no later than April 2, 2025. New York will be responsible for documenting the applicable cost-effectiveness and quality in subsequent renewal requests for this authority.

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The state must arrange for an independent evaluation or assessment of their 1915(b) waiver program and submit the findings when renewing the section 1915(b) waiver program. At a minimum, the Independent Assessment (IA) is a requirement for the first two waiver periods. For the IA of the waiver, the Independent Assessor should analyze four years of data from the waiver years 1 through 4. The IA should be submitted with the waiver renewal request ninety (90) days before the expiration of the approved waiver program, April 2, 2025.

We would like to express our gratitude for the effort and cooperation provided by your staff during our review of this request. If you have any questions regarding the 1915(b)(4) waiver, please contact Angela F. Jones, of my staff, (410) 786-3789 or Angela.Jones2@cms.hhs.gov. You may also contact Suzanne Gallagher, in the Division of Managed Care Operations-East Branch, at (212) 616-2482 or Suzanne.Gallagher@cms.hhs.gov.

Sincerely,

John Giles
Director
Division of Managed Care Policy

cc: Bill Brooks