

DEPARTMENT OF HEALTH & HUMAN SERVICES  
Centers for Medicare & Medicaid Services  
7500 Security Boulevard  
Baltimore, MD 21244



Medicaid and CHIP Operations Group

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October 30, 2023

Amir Bassiri  
Medicaid Director  
New York State Department of Health  
One Commerce Plaza, Suite 1211  
Albany, NY 12210

Re: New York 1915(b)(4) Waiver NY-0015.R00.00

Dear Director Bassiri:

We have reviewed New York's request for a 1915(b)(4) waiver application, CMS control number NY-0015.R00.00 titled, **Children's Waiver FMS Selective Contracting Waiver**. This waiver application allows New York to selectively contract for Financial Management Services to assist an individual eligible under the Children's Waiver with the purchase of Adaptive and Assistive Technology, Environmental, and Vehicle Modifications. This waiver action has a proposed effective date of November 1, 2023.

Additional or clarifying information is necessary before CMS can continue the review of this waiver action. Please provide a response to the following:

General Comments/Questions

The CMS is unable to approve New York's 1915(b)(4) application without the accompanying 1915(c) waiver amendment approval. 1915(b) waivers can only be approved for services that are authorized in a State Plan or HCBS waiver. New York must submit a 1915(c) Children's Waiver Amendment that includes Financial Management Services (FMS) with the self-direction option.

Under section 1915(f) of the Social Security Act, added by PL 97-35, a waiver request must be approved, denied or additional information requested within 90 days of receipt or the request will be deemed approved. CMS requests additional information regarding this waiver action. This request for additional information (RAI) will stop the 90-day clock. The 90-day review period for this request ends November 7, 2023. A new 90-day review clock will begin once CMS receives your response to this RAI.

In accordance with our guidelines to all State Medicaid Directors in the August 16, 2018 Center for Medicaid and CHIP Services Informational Bulletin, if a response to a formal request for additional information from CMS is not received from the state within 90 days of issuance, CMS will initiate disapproval of the SPA or waiver action.

We ask that you submit a signed response to this RAI to the attention of Bill Brooks, DMCO Director via the OneMAC at <https://onemac.cms.gov/>. If you have any questions, please contact Michael Cleary at 215-861-4282 or via email at Michael.Cleary@cms.hhs.gov.

Sincerely,

Bill Brooks  
Director  
Division of Managed Care Operations

cc: Colette Poulin, New York State Department of Health  
April Hamilton, New York State Department of Health  
Adele Compton, New York State Department of Health  
Jack Pitera, New York State Department of Health  
Laura Van Valkenberg, New York State Department of Health  
Sabrina Tillman, DMCO Branch B Manager