



**KATHY HOCHUL**  
Governor

## Department of Health

**JAMES V. McDONALD, M.D., M.P.H.**  
Commissioner

**JOHANNE E. MORNE, M.S.**  
Executive Deputy Commissioner

July 17, 2024

Dear Colleague:

Pursuant to our tribal consultation policy, enclosed please find a summary of each proposed amendment to the New York State Plan. We encourage you to review the enclosed information and use the link below to also view the plan pages and Federal Public Notices for each proposal. Please provide any comments or request a personal meeting to discuss the proposed changes within two weeks of the date of this letter.

[https://www.health.ny.gov/regulations/state\\_plans/tribal/](https://www.health.ny.gov/regulations/state_plans/tribal/)

We appreciate the opportunity to share this information with you and if there are any comments or concerns, please feel free to contact Regina Deyette, Medicaid State Plan Coordinator, Office of Health Insurance Programs at 518-473-3658.

Sincerely,

/S/

Amir Bassiri  
Medicaid Director  
Office of Health Insurance Programs

Enclosures

cc: Sean Hightower  
US Dept. of Health and Human Services

Nancy Grano  
CMS Native American Contact

Michele Hamel  
NYSDOH American Indian Health Program

**SUMMARY**  
**SPA #24-0067**

This State Plan Amendment proposes to recognize the differences in provider cost structure associated with service capacity.

DRAFT

New York  
2(b)

1905(a)(1) Inpatient Hospital Services

- 3) DOH will semi-annually update Capital reimbursement for all providers in January and July. Also, DOH will update capital to include all new and approved PPAs twice a year. The update may require the Department to annualize the PPA, which could include more than 12 months of costs in the first year.

- ii. **Operating Component of Rate** Rates for providers with 21 beds and over will be as follows:

Rate period	Rate
On and After 10/01/2023	\$943.09
04/01/2024 and forward	\$969.87

Rates for providers with 20 beds and under will be as follows:

<u>Rate period</u>	<u>Rate</u>
<u>07/01/2024 and forward</u>	<u>\$1,115.04</u>

- iii. The Capital Component and Operating Components will be combined to determine the final payment rate.

TN #24-0067

Approval Date \_\_\_\_\_

Supersedes TN #24-0050

Effective Date July 1, 2024

ology in accordance with the Public Health Law § 2807(2-a)(e). The following changes are proposed:

#### Non-Institutional Services

Effective on or after July 1, 2024, the Ambulatory Patient Group (APG) reimbursement methodology is revised to include recalculated weight and component updates in order to update reimbursement for APG payments.

The estimated annual aggregate increase in gross Medicaid expenditures as a result of this proposed amendment is \$597,564.

The public is invited to review and comment on this proposed State Plan Amendment, a copy of which will be available for public review on the Department's website at [http://www.health.ny.gov/regulations/state\\_plans/status](http://www.health.ny.gov/regulations/state_plans/status). Individuals without Internet access may view the State Plan Amendments at any local (county) social services district.

For the New York City district, copies will be available at the following places:

New York County  
250 Church Street  
New York, New York 10018

Queens County, Queens Center  
3220 Northern Boulevard  
Long Island City, New York 11101

Kings County, Fulton Center  
114 Willoughby Street  
Brooklyn, New York 11201

Bronx County, Tremont Center  
1916 Monterey Avenue  
Bronx, New York 10457

Richmond County, Richmond Center  
95 Central Avenue, St. George  
Staten Island, New York 10301

*For further information and to review and comment, please contact:*  
Department of Health, Division of Finance and Rate Setting, 99 Washington Ave., One Commerce Plaza, Suite 1432, Albany, NY 12210, [spa\\_inquiries@health.ny.gov](mailto:spa_inquiries@health.ny.gov)

## PUBLIC NOTICE

### Department of Health

Pursuant to 42 CFR Section 447.205, the Department of Health hereby gives public notice of the following:

The Department of Health proposes to amend the Title XIX (Medicaid) State Plan for non-institutional services consistent with sections 7.15, 43.01 and 43.02 of the New York State Mental Hygiene Law. The following changes are proposed:

#### Non-Institutional Services

Effective on or after July 1, 2024, the Department of Health will amend the New York State Plan to establish Medical Assistance coverage and rates of payment for Critical Time Intervention (CTI) services provided by providers licensed by the New York State Office of Mental Health. CTI services are time-limited interventions to assist individuals during the transition from inpatient psychiatric hospital, emergency, and crisis services or other institutional or incarceration settings.

The estimated annual net aggregate increase in gross Medicaid expenditures attributed to this initiative is \$33 million.

The public is invited to review and comment on this proposed State Plan Amendment, a copy of which will be available for public review on the Department's website at [http://www.health.ny.gov/regulations/state\\_plans/status](http://www.health.ny.gov/regulations/state_plans/status). Individuals without Internet access may view the State Plan Amendments at any local (county) social services district.

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## PUBLIC NOTICE

### Department of Health

Pursuant to 42 CFR Section 447.205, the Department of Health hereby gives public notice of the following:

The Department of Health proposes to amend the Title XIX (Medicaid) State Plan institutional services methods and standards for setting Medicaid payment rates for Office of People With Developmental Disabilities (OPWDD) Specialty Hospitals pursuant to Mental Hygiene Law 43.02(a). The following changes are proposed:

#### Institutional Services

Effective on or after July 1, 2024, the operating reimbursement for OPWDD Specialty Hospitals will be updated to recognize differences in provider cost structure associated with service capacity.

The estimated net aggregate increase in gross Medicaid expenditures attributable to this initiative for state fiscal year 2024-2025 is \$6.1 million.

The public is invited to review and comment on this proposed State Plan Amendment, a copy of which will be available for public review on the Department's website at [http://www.health.ny.gov/regulations/state\\_plans/status](http://www.health.ny.gov/regulations/state_plans/status). Individuals without Internet access may view the State Plan Amendments at any local (county) social services district.

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Department of Health, Division of Finance and Rate Setting, 99  
Washington Ave., One Commerce Plaza, Suite 1432, Albany, NY  
12210, spa\_inquiries@health.ny.gov

## PUBLIC NOTICE

### Department of Health

Pursuant to 42 CFR Section 447.205, the Department of Health hereby gives public notice of the following:

The Department of Health proposes to amend the Title XIX (Medicaid) State Plan for non-institutional services to comply with Public Health Law § 2807(2)(g)(iii). The following changes are proposed:

#### Non-Institutional Services

Effective for services on or after July 1, 2024, through March 31, 2027, qualified pediatric Diagnostic and Treatment Centers (D&TCs) will be eligible for a Medicaid rate that reflects the approved costs associated with providing care to children with medical fragility. The pediatric D&TC must be participating in a demonstration program for children with medical fragility, for which at least eighty percent of its total Medicaid fee-for-service reimbursement is derived from the provision of services to children under the age of twenty-one with medical fragility. The pediatric D&TC must also be affiliated with a pediatric residential health care facility, which is freestanding or has a discrete unit within a facility, authorized to provide extensive nursing, medical, psychological and counseling support services solely to children under the age of twenty-one.

The estimated net aggregate increase in gross Medicaid expenditures attributable to this initiative contained in the budget for state fiscal year 2024-2025 is \$1.5 million.

The public is invited to review and comment on this proposed State Plan Amendment, a copy of which will be available for public review on the Department's website at [http://www.health.ny.gov/regulations/state\\_plans/status](http://www.health.ny.gov/regulations/state_plans/status). Individuals without Internet access may view the State Plan Amendments at any local (county) social services district.

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## PUBLIC NOTICE

Department of State  
F-2024-0143

Date of Issuance – June 26, 2024

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2024-0143, John C Devine, is proposing to reconstruct existing deteriorated dock by driving steel pilings on the edge of the existing stone cribbing. Construct a steel frame on the pilings and wooden decking on top of the steel frame. SECTION 1: 15 ft-wide x 40 ft-long (600 sq ft) ; SECTION 2: 24 ft-wide by 20 ft-long (480 sq ft). The proposed project would be located at 23399 Road 908, Lake Ontario, Town of Brownville, Jefferson County.

The stated purpose of the proposed action is to "Reconstruct dock over original stone cribbing utilizing steel pilings, steel framing and wooden decking/staving."

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2024/06/f-2024-0143.pdf> or at <https://dos.ny.gov/public-notices>

Original copies of public information and data submitted by the applicant are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or July 26, 2024.

*Comments should be addressed to:* Consistency Review Unit, Department of State, Office of Planning, Development and Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000; Fax (518) 473-2464. Electronic submissions can be made by email at: [CR@dos.ny.gov](mailto:CR@dos.ny.gov)

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

## PUBLIC NOTICE

Department of State  
F-2024-0250

Date of Issuance – June 26, 2024

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2024-0250, the applicant, Peter V. Moot III, is proposing to dredge approximately 193 cubic yards in a channel and boat docking area and to construct a 90-foot long living shoreline along a portion of the bank. The project is located at 45416 CR 191, Wellesley Island in Jefferson County in the Lake of the Isles on the Saint Lawrence River.

The stated purpose of the proposed action is to restore navigational access to the boat dockage area.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2024/06/f-2024-0250.pdf> or at <https://dos.ny.gov/public-notices>

Original copies of public information and data submitted by the applicant are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.