

DEPARTMENT OF HEALTH & HUMAN SERVICES  
Centers for Medicare & Medicaid Services  
7500 Security Boulevard, Mail Stop S2-01-16  
Baltimore, MD 21244-1850



**Children and Adults Health Programs Group**

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March 1, 2024

Gabrielle Armenia  
Director, Division of Eligibility and  
Marketplace Integration  
New York Department of Health  
Empire State Plaza, Corning Tower  
Albany, NY 12237

Dear Director Armenia:

Thank you for your November 13, 2023, submission of New York's Basic Health Program (BHP) suspension application. On March 1, 2024, New York's State Innovation Waiver under section 1332 of the Patient Protection and Affordable Care Act (ACA), was approved by the Department of Health & Human Services (HHS) and the Department of the Treasury (collectively, the Departments) and will be in effect for a period of five years beginning April 1, 2024 through December 31, 2028. With the approval of New York's State Innovation Waiver (also referred to as a section 1332 waiver), New York will transition all eligible BHP enrollees to the new section 1332 waiver as of April 1, 2024. Given this transition and our review of the BHP suspension application, we are pleased to inform you that the BHP suspension application has been approved and will be in effect for a period of five years beginning April 1, 2024 through December 31, 2028.

Pursuant to 42 CFR 600.140(b)(1)(i)-(iv), New York's BHP suspension application demonstrated that the following criteria are met. These conditions must continue to be met while the BHP suspension is in effect.

1. The benefits BHP-eligible individuals will receive during the suspension are at least equal to the benefits provided under the certified BHP Blueprint in effect on the effective date of suspension;
2. The median actuarial value of the coverage provided to the BHP-eligible individuals during the suspension is no less than the median actuarial value of the coverage under the certified BHP Blueprint in effect on the effective date of suspension;
3. The premiums imposed on BHP-eligible individuals during the suspension are no higher than the premiums charged under the certified BHP Blueprint in effect on the effective date of suspension, except that premiums imposed during the suspension may be adjusted for inflation, as measured by the Consumer Price Index; and
4. The eligibility criteria for coverage during the suspension are not more restrictive than the criteria described in § 600.305.

In addition, pursuant to 42 CFR 600.140(b)(3)-(7), New York will conduct the following activities related to the BHP suspension:

1. At least 90 days prior to April 1, 2024, provide written notice to all enrollees and participating standard health plan offerors that New York intends to suspend the program, if the enrollees will experience a change in coverage, or standard health plan offerors will experience a change in the terms of coverage;
2. Prior to April 1, 2025, submit to CMS the data required by § 600.610 to complete the BHP financial reconciliation process with CMS;
3. Annually, submit the report required by § 600.170(a)(2), describing the balance of the trust fund, and any interest accrued on such amount; and
4. Annually, remit to CMS any interest that has accrued on the balance of the BHP trust fund during the suspension period in the form and manner specified by CMS.
5. At least 9 months prior to December 31, 2028, submit to CMS a transition plan that describes how New York will reinstate its BHP consistent with the requirements of 42 CFR part 600, terminate the program in accordance with § 600.140(a), or request an extension of this suspension pursuant to § 600.140(b).

Your BHP Project Officer is Carrie Grubert. Carrie is available to answer your questions concerning this suspension and other BHP-related matters. Carrie’s contact information is as follows:

Centers for Medicare & Medicaid Services  
Center for Medicaid and CHIP Services  
7500 Security Boulevard, Mail Stop: S2-01-16  
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Telephone: (410) 786-8319  
E-mail: [Carrie.Grubert@cms.hhs.gov](mailto:Carrie.Grubert@cms.hhs.gov)

If you have additional questions, please contact Meg Barry, Director, Division of State Coverage Programs, at (410) 786-1536. We look forward to continuing to work with you and your staff.

Sincerely,

A solid black rectangular box redacting the signature of Sarah deLone.

Sarah deLone  
Director