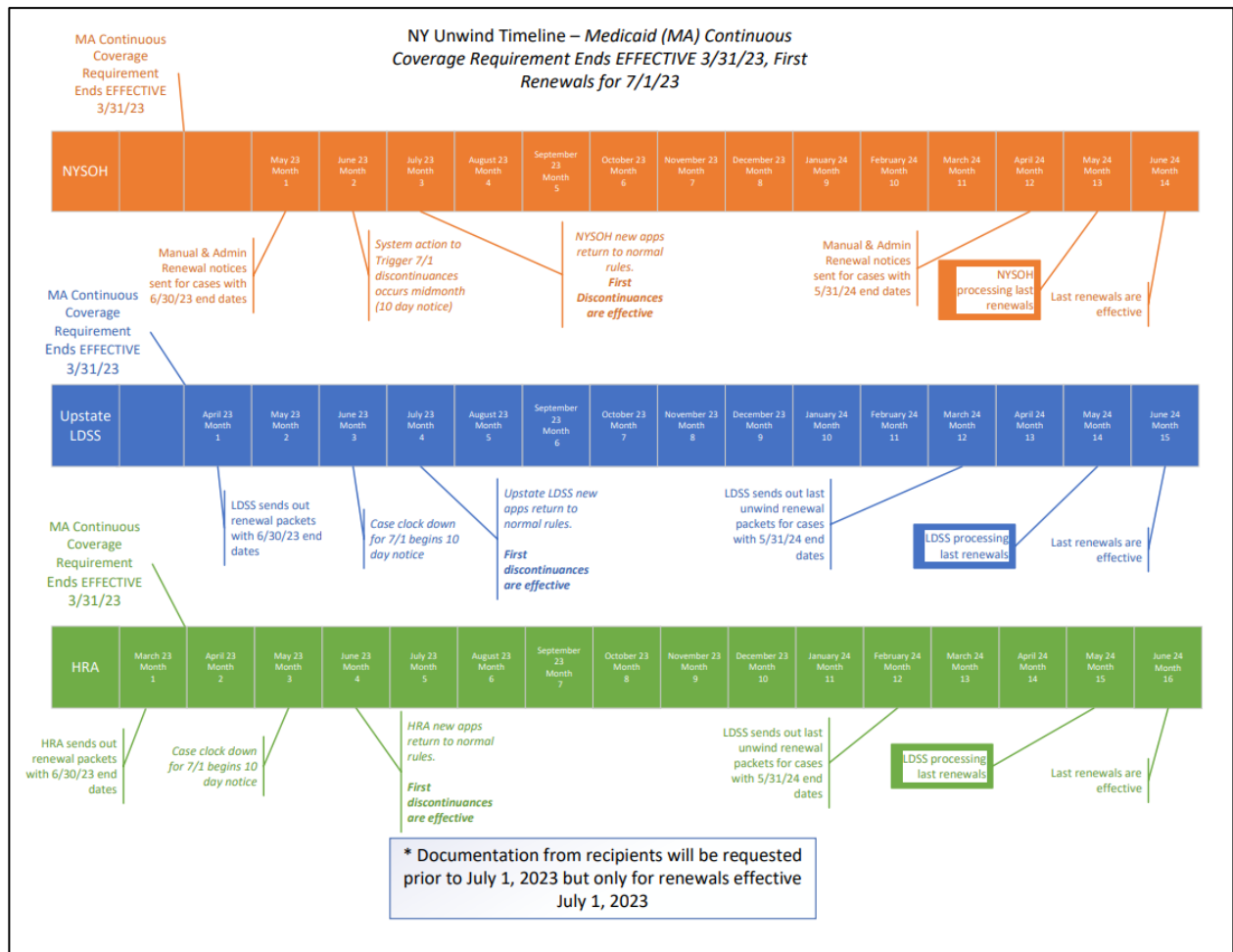


Dear Commissioner,

The federal Consolidated Appropriations Act, 2023 (CCA) was enacted on December 29, 2022. The CCA implements a significant change for Medicaid and the Children's Health Insurance Program (CHIP), including some significant changes to the continuous enrollment requirements under the Families First Coronavirus Response Act (FFCRA). As of April 1, 2023, the Medicaid continuous coverage requirement adopted by the FFCRA in March 2020 is delinked from the federal COVID-19 public health emergency.

Pursuant to the CCA and an Informational Bulletin issued by the Center for Medicaid and CHIP Services (CMCS) on January 5, 2023 (<https://www.medicaid.gov/federal-policy-guidance/downloads/cib010523.pdf>), states are required to begin issuing eligibility redetermination notices by April 2023. Resuming redeterminations is referred to as "unwinding" the continuous coverage provisions in the CMCS guidance. Pursuant to the guidance, renewals for New York's more than 7.7 million Medicaid enrollees must be initiated within a 12-month period and completed within 14 months. States are required to complete the unwinding by the end of May 2024. The timing of how this requirement will be effectuated in New York is depicted by eligibility system in the diagram below.

As you know, New York's Medicaid program operates in three eligibility systems – Downstate WMS for New York City Human Resources Administration (HRA), Upstate WMS for all counties outside of New York City, and NY State of Health for MAGI-Medicaid cases administered by the State. Each of these systems has different timing requirements for notice issuance to consumers. It will be necessary for the State to follow the timeline detailed below to remain compliant with the federal rules.



Timely redeterminations will be critical to compliance. The penalty for non-compliance under the CCA is a reduction in the federal medical assistance percentage (FMAP) rate. The State could also be found ineligible for the enhanced FMAP offered during the unwinding. In addition to these new penalties, untimely redeterminations may also result in an FMAP reduction under Medicaid’s Payment Error Rate Methodology (PERM).

While we have been meeting regularly with your staff throughout the public health emergency, we wanted you to be aware of the significant increase in Medicaid related work that will be required in the coming months. We appreciate the work your staff are engaged in now to ensure that enrollee contact information is up to date and that existing fair hearings are resolved expeditiously so that the unwinding goes smoothly.

We anticipate that many Medicaid enrollees will need increased assistance at renewal as they have not been redetermined in more than three years. There are also many enrollees who have never been through the redetermination process. We understand that some district staff may have been redirected to other activities during the continuous enrollment period and encourage you to redeploy them back to the Medicaid program as soon as possible. We also understand that some Medicaid eligibility

workers may need to be (re)trained on the redetermination processes. If your district needs training assistance in this or another area, please coordinate with your Manager/Staff Development Coordinator (SDC) to register for trainings. More information on available LDSS trainings can be found here: [LDSS Trainings — NY Training Services](#).

In addition to the front facing work necessary to assist enrollees, significant system planning has been underway for the changes required to ensure that the eligibility determination process goes smoothly for your staff and enrollees. Our staff has been working closely with ITS to ensure that these system requirements are in place when the renewal process begins. In addition, we are pursuing other administrative flexibilities with CMS to reduce the burden on districts and to support efficient redeterminations.

CMCS has indicated that it will be issuing additional guidance in the coming weeks. We will be issuing formal guidance as soon as possible. We will also be scheduling regular readiness sessions with your staff.

Thank you for the work you and your staff have done throughout the very difficult circumstances presented by the COVID-19 public health emergency. We look forward to continuing our work together to ensure enrollee eligibility is appropriately redetermined throughout the unwind.

Sincerely,

Amir Bassiri
Medicaid Director