

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

January 11, 2024

Gabrielle Armenia
Director, Division of Coverage and Enrollment
Office of Health Insurance Programs
State of New York Department of Health
Corning Tower, Empire State Plaza
Albany, NY 12237-0004

Dear Gabrielle Armenia:

Your title XXI Children's Health Insurance Program (CHIP) State Plan Amendments (SPAs) NY-23-0034-CHIP and NY-23-0034A-CHIP, submitted on March 7, 2023, with additional information provided in response to CMS' Request for Additional Information on January 11, 2024, have been approved. These SPAs have an effective date of April 1, 2022.

Through these SPAs, New York extends CHIP eligibility for children from-conception-to-end-of- pregnancy (FCEP) with family incomes up to and including 218 percent of the federal poverty level (FPL) whose birth parents are not otherwise eligible for Medicaid or CHIP. Coverage for the FCEP population is identical to the benefit package provided to pregnant individuals in Medicaid. A copy of the approved CS9 template are attached and have been incorporated into sections 4.1.2.1-PC of New York's CHIP state plan.


CMS will work with New York to determine whether the FCEP population's behavioral health benefit package is in compliance with section 5022 of the Substance Use Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities (SUPPORT) Act. The SUPPORT Act requires child health and pregnancy related assistance to include coverage of services necessary to prevent, diagnose, and treat a broad range of behavioral health symptoms and disorders. In addition, CMS will work with the state to determine whether the benefit package is in compliance with mental health parity requirements at 42 CFR 457.496, which ensure that financial requirements and treatment limitations applied to mental health and substance use disorder benefits are no more restrictive than those applied to medical/surgical benefits. We will consider the sufficiency of the FCEP population's behavioral health benefit package during our review of the state's pending CHIP SPAs NY-20-21-0030 and NY-23-0035-CHIP, which document compliance with the SUPPORT Act and mental health parity requirements, respectively.

Your Project Officer is Shakia Singleton. She is available to answer your questions concerning this amendment and other CHIP-related matters. Ms. Singleton's contact information is as follows:

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Telephone: (410) 786-3413
E-mail: Shakia.Singleton@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 handwritten signature in blue ink, appearing to read "Sarah deLone".

Sarah deLone
Director