

ABBREVIATED PUBLIC NOTICE

Department of Health

Medicaid Buy-In Program for Working People with Disabilities (MBI-WPD)
Demonstration Program and Career Pathways Training (CPT) Program Amendment

In compliance with 42 CFR 431.408(a)(2)(ii), the New York State Department of Health (State or DOH) is pleased to announce that it will conduct two virtual public hearings, to provide an overview of the State's 1115 waiver Medicaid Buy-In Program for Working People with Disabilities (MBI-WPD) Demonstration Program and Career Pathways Training (CPT) Program Amendment request and to allow members of the public to provide comments.

This notice further serves to open the 30-day public comment period for the MBI-WPD Demonstration Program and CPT Program Amendment, which will close on December 6, 2024, during which the public will be afforded the opportunity to provide written comments on this amendment.

Medicaid Buy-in Program for Working People with Disabilities Demonstration Program:

Through this amendment, the State is seeking to implement a demonstration program that will become the State's new MBI-WPD demonstration program to help more working individuals with disabilities qualify for Medicaid, with the goal of helping to ensure that these individuals are able to pursue employment opportunities without fear of losing or not qualifying for Medicaid coverage.

Under the State's current MBI-WPD program eligibility rules, the income limit is 250% of the Federal Poverty Level (FPL) and resource limits are \$31,175 for a household of one and \$42,312 for a household of two based on 2024 FPLs. (Resource limits change annually based on FPL changes). In determining Medicaid eligibility for the State's MBI-WPD program, all funds held in retirement funds or retirement accounts are disregarded. Income and resources of legally responsible relatives are included when determining MBI-WPD eligibility. The following premiums are permitted: when an MBI-WPD program participant's income is at or above 150% of the FPL but does not exceed 250% of FPL, the premium is 3% of net earned income plus 7.5% of net unearned income (premiums are not currently collected). Individuals with net income below 150% of the FPL are not subject to a premium requirement. Current CMS guidance permits the premium to be a maximum of 7.5% of the MBI-WPD individual's income, when the income is less than 450% FPL. There is no enrollment cap currently for the State's MBI-WPD program, and current enrollment stands at approximately 12,500 individuals. The State's MBI-WPD program participants must meet a minimum age requirement of 16 years of age and must be less than 65 years of age.

The State is seeking approval from CMS through this Section 1115 waiver to implement state statutory changes creating a new MBI-WPD demonstration program. The State's new MBI-WPD demonstration program will cover both the Ticket to Work Basic Group (Social Security Act (SSA) §1902(a)(10)(A)(ii)(XV)) and the Ticket to Work Medical Improvement Group (SSA § 1902(a)(10)(A)(ii)(XVI)), as it does currently. As described in New York's State Plan for the current MBI-WPD program, the State's new MBI-WPD demonstration program will use the income methodologies of the Supplemental Security Income (SSI) program, disregard all funds held in retirement funds or retirement accounts and continue use of other more liberal methods of treating resources under New York's State Plan, as previously approved by CMS pursuant to Social Security Act (SSA) §1902(r)(2). Additionally, the State's new MBI-WPD demonstration

program requests an exception to the deeming of income and resources of legally responsible relatives.

Following are the MBI-WPD demonstration program eligibility requirements the State seeks:

- (i) An income limit of 2,250% of the FPL;
- (ii) A resource limit of \$300,000;
- (iii) A disregard of all funds held in retirement funds or retirement accounts and continued use of other more liberal methods of treating resources under New York's State Plan, as previously approved by CMS pursuant to SSA §1902(r)(2) for the State's current MBI-WPD program;
- (iv) Income and resources of legally responsible relatives are deemed unavailable to the MBI-WPD applicant/recipient;
- (v) An income-based premium structure based on FPL, including a cap of the MBI-WPD premium not to exceed 8.5% of the MBI-WPD individual's income, as outlined in the chart below;
- (vi) A program enrollment cap of 30,000; and
- (vii) Elimination of the age 65 limit.

For the Ticket to Work Medical Improvement Group, the State will continue to use the statutory definition of "employed" (earning at least the federally required minimum wage and working at least 40 hours per month).

The State requests the following premium structure:

Income*	Monthly Premium
Less than 250% FPL	N/A
250%FPL or more but less than 300% FPL	the lesser of: \$347 or 4% of monthly income
300% FPL or more but less than 400% FPL	the lesser of: \$518 or 6% of monthly income
400% FPL or more but less than 500% FPL	the lesser of: \$779 or 8.5% of monthly income
500% FPL or more but less than or equal to 2,250% FPL	the lesser of: \$1,033 or 8.5% of monthly income

*SSI-related budgeting is used to determine net monthly income.

The State's current MBI-WPD program enrollees will be redetermined under the new rules at renewal so that current enrollees benefit from the enhanced eligibility rules. New York will maintain its State Plan authority for its current MBI-WPD State Plan Amendment (SPA) groups. Once the new demonstration program is implemented, all individuals (current and new) will be enrolled utilizing the new 1115 demonstration program and will not remain, or be enrolled in, the SPA groups.

Career Pathways Training Program Amendment:

With this amendment, the State is also requesting a change to the Special Terms and Conditions (STC) language governing the maximum number of allowable days for backfill payments in the Career Pathways Training (CPT) Program. The State is requesting an increase from the current limit of two days per week to up to five days per week. A draft of the proposed amendment request is available for review at:

http://www.health.ny.gov/health_care/medicaid/redesign/med_waiver_1115/docs/mbi-wpd_cpt_draft_amend_request.pdf

The DOH will host two virtual public hearings during which the public may provide oral comments. Any updates related to the public hearings will be sent via the MRT Listserv.

The two virtual public hearings will be held as follows:

1. First Public Hearing

- a. Monday, November 25, 2024, 1:00 PM –3:00 PM
- b. Pre-registration is required for anyone wishing to provide oral comment using this link:
<https://meetny.webex.com/weblink/register/r961f79713b6d560937c5926e215bca3c>
- c. Individuals who wish to provide comment will need to register with an "SP" in front of their name (ex: SP Jane Doe) and must email 1115waivers@health.ny.gov no later than Friday, November 22, 2024, at 4pm to confirm registration.
- d. Individuals will speak in the order of registration. We kindly request that all comments be limited to five minutes per presenter to ensure that all public comments may be heard.

2. Second Public Hearing

- a. Wednesday, December 4, 2024, 1:00 PM –3:00 PM
- b. Pre-registration is required for anyone wishing to provide oral comments using this link:
<https://meetny.webex.com/weblink/register/r2d3f7856499905fddb46e47dee8027bc>
- c. Individuals who wish to provide comment will need to register with an "SP" in front of their name (ex: SP Jane Doe) and must email 1115waivers@health.ny.gov no later than Tuesday, December 3, 2024, at 4pm to confirm registration.
- d. Individuals will speak in the order of registration. We kindly request that all comments be limited to five minutes per presenter to ensure that all public comments may be heard.

American Sign Language (ASL) interpretation will be available, and the WebEx platform includes a closed captioning feature.

For individuals with limited online access or who require special accommodation to access paper copies, please call (518) 473-0868.

Prior to finalizing the proposed MBI-WPD Demonstration Program and CPT Program amendment application, the DOH will consider all written and verbal comments received. These

comments will be summarized in the final submitted version. The DOH will post a transcript of the public hearings on the following website:

https://www.health.ny.gov/health_care/medicaid/redesign/medicaid_waiver_1115.htm.

Please direct all questions to 1115waivers@health.ny.gov.

Written comments will be accepted by email at 1115waivers@health.ny.gov (please include “Medicaid Buy-In Program for Working People with Disabilities (MBI-WPD) Demonstration Program and Career Pathways Training (CPT) Program Amendment” in the subject line) **or** by mail at:

NYS Department of Health
Office of Health Insurance Programs
Waiver Management Unit
99 Washington Avenue
8th Floor, Suite 826
Albany, NY 12210

All written comments must be postmarked or emailed by December 6, 2024.