

July 20, 2011

Mr. Michael Melendez
Associate Regional Administrator
Department of Health & Human Services
Centers for Medicare & Medicaid Services
New York Regional Office
Division of Medicaid and Children's Health Operations
26 Federal Plaza - Room 37-100 North
New York, New York 10278

RE: SPA #11-67
Non-Institutional Services

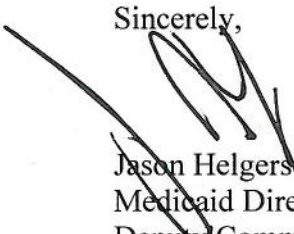
Dear Mr. Melendez:

The Department of Health would like to immediately remove proposed State Plan Amendment #11-67 relating to Establish Payment Amounts & Dispensing Fees, from consideration in the federal approval process.

The State is withdrawing this proposed first quarter plan amendment based on CMS recommendation that this amendment is unnecessary.

If you have any questions regarding this State Plan submission, please do not hesitate to contact John E. Ulberg Jr., Director, Division of Health Care Financing at (518) 474-6350.

Sincerely,



Jason Helgerson
Medicaid Director
Deputy Commissioner
Office of Health Insurance Programs

NEW YORK
state department of
HEALTH

Nirav R. Shah, M.D., M.P.H.
Commissioner

Sue Kelly
Executive Deputy Commissioner

June 15, 2011

Mr. Michael Melendez
Associate Regional Administrator
Department of Health & Human Services
Centers for Medicare & Medicaid Services
New York Regional Office
Division of Medicaid and Children's Health
26 Federal Plaza - Room 3800
New York, New York 10278

RE: SPA #11-67
Non-Institutional Services

Dear Mr. Melendez:

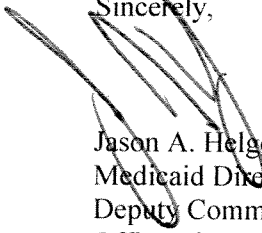
The State requests approval of the enclosed amendment #11-67 to the Title XIX (Medicaid) State Plan for non-institutional services to be effective May 12, 2011 (Appendix I). This amendment is being submitted based on enacted legislation. A summary of the plan amendment is provided in Appendix II.

The State of New York reimburses these services through the use of rates that are consistent with and promote efficiency, economy, and quality of care and are sufficient to enlist enough providers so that care and services are available under the plan at least to the extent that such care and services are available to the general population in the geographic area as required by §1902(a)(30) of the Social Security Act and 42 CFR §447.204.

Copies of pertinent sections of enacted State statute are enclosed for your information (Appendix III). A copy of the public notice of this plan amendment, which was given in the New York State Register on May 11, 2011, is also enclosed for your information (Appendix IV).

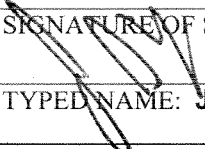
If you have any questions regarding this State Plan submission, please do not hesitate to contact John E. Ulberg Jr., Director, Division of Health Care Financing at (518) 474-6350.

Sincerely,



Jason A. Helgerson
Medicaid Director
Deputy Commissioner
Office of Health Insurance Programs

Enclosures

TRANSMITTAL AND NOTICE OF APPROVAL OF STATE PLAN MATERIAL FOR: HEALTH CARE FINANCING ADMINISTRATION		1. TRANSMITTAL NUMBER: #11-67	2. STATE New York
		3. PROGRAM IDENTIFICATION: TITLE XIX OF THE SOCIAL SECURITY ACT (MEDICAID)	
TO: REGIONAL ADMINISTRATOR HEALTH CARE FINANCING ADMINISTRATION DEPARTMENT OF HEALTH AND HUMAN SERVICES		4. PROPOSED EFFECTIVE DATE May 12, 2011	
5. TYPE OF PLAN MATERIAL (<i>Check One</i>): <input type="checkbox"/> NEW STATE PLAN <input type="checkbox"/> AMENDMENT TO BE CONSIDERED AS NEW PLAN <input checked="" type="checkbox"/> AMENDMENT COMPLETE BLOCKS 6 THRU 10 IF THIS IS AN AMENDMENT (<i>Separate Transmittal for each amendment</i>)			
6. FEDERAL STATUTE/REGULATION CITATION: Section 1902(a) of the Social Security Act & NYS Social Services Law §367-a(9)(f)		7. FEDERAL BUDGET IMPACT: a. FFY 05/12/11-09/30/11 \$0 million b. FFY 10/01/11-09/30/12 \$0 million	
8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT: Attachment 4.19-B: Page 4(d)(i)		9. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (<i>If Applicable</i>):	
10. SUBJECT OF AMENDMENT: Establish Payment Amounts and Dispensing Fees for Prescription Drugs (FMAP = 56.88% 4/1/11-6/30/11; 50% 7/1/11 forward)			
11. GOVERNOR'S REVIEW (<i>Check One</i>): <input checked="" type="checkbox"/> GOVERNOR'S OFFICE REPORTED NO COMMENT <input type="checkbox"/> OTHER, AS SPECIFIED: <input type="checkbox"/> COMMENTS OF GOVERNOR'S OFFICE ENCLOSED <input type="checkbox"/> NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL			
12. SIGNATURE OF STATE AGENCY OFFICIAL: 		16. RETURN TO: New York State Department of Health Corning Tower Empire State Plaza Albany, New York 12237	
13. TYPED NAME: Jason A. Heigerson			
14. TITLE: Medicaid Director & Deputy Commissioner Department of Health			
15. DATE SUBMITTED: June 15, 2011			
FOR REGIONAL OFFICE USE ONLY			
17. DATE RECEIVED:		18. DATE APPROVED:	
PLAN APPROVED – ONE COPY ATTACHED			
19. EFFECTIVE DATE OF APPROVED MATERIAL:		20. SIGNATURE OF REGIONAL OFFICIAL:	
21. TYPED NAME:		22. TITLE:	
23. REMARKS:			

Appendix I
2011 Title XIX State Plan
Second Quarter Amendment
Non-Institutional Services
Amended SPA Pages

Effective May 12, 2011, the Commissioner of Health will have the authority to establish the amount of payments and dispensing fees for prescription drugs. The Commissioner shall give notice 60 days in advance of such change to the Chairs of the Committees on Senate Finance, Assembly Ways and Means, Senate Health, and Assembly Health. The amount of payments and dispensing fees are published on the New York State Department of health website at:

http://health.ny.gov/health_care/medicaid/program/docs/pharmacy_reimbursement.pdf

TN 11-67 Approval Date _____

Supersedes TN NEW Effective Date _____

Appendix II
2011 Title XIX State Plan
Second Quarter Amendment
Non-Institutional Services
Summary

SUMMARY
SPA #11-67

This state plan amendment proposes to give the Commissioner of Health the authority to establish the amount of payments and dispensing fees for prescription drugs.

Appendix III
2011 Title XIX State Plan
Second Quarter Amendment
Non-Institutional Services
Authorizing Provisions

CHAPTER 59 OF THE LAWS OF 2011
S.2809-D/A.4009-D - Part H

§ 10-b. Paragraph (f) of subdivision 9 of section 367-a of the social services law is REPEALED and a new paragraph (f) is added to read as follows:

(f) Notwithstanding any inconsistent provision of law or regulation to the contrary, the commissioner shall have the authority to establish the amount of payments and dispensing fees under this title for those drugs which may not be dispensed without a prescription as required by section sixty-eight hundred ten of the education law and for which payment is authorized pursuant to paragraph (g) of subdivision two of section three hundred sixty-five-a of this title. The commissioner shall not change the amounts of or method for such payments or dispensing fees on or after April first, two thousand eleven unless notice is given sixty days in advance of such change to the chairs of the committees on senate finance, assembly ways and means, senate health, and assembly health.

**Appendix IV
2011 Title XIX State Plan
Second Quarter Amendment
Non-Institutional Services
Public Notice**

PUBLIC NOTICE

Education Department

In accordance with the standing of the Board of Regents and the Commissioner of Education as the nationally recognized accrediting agency for purposes of Title IV and other federal funds for New York Career Institute, the State Education Department hereby gives notice that an accreditation review visit was conducted at New York Career Institute. Any person wishing to comment on the review of this institution including their qualifications for accreditation may do so in writing. *Comments should be addressed to:* Barbara D. Meinert, Coordinator, Office of College and University Evaluation, Education Department, 89 Washington Ave., 5N Mezzanine, Albany, NY 12234, or sent by fax to (518) 486-2779. Comments will be accepted through June 1, 2011.

PUBLIC NOTICE

Office of Fire Prevention and Control

Pursuant to Section 176-b of the Town Law, the Office of Fire Prevention and Control hereby gives notice of the following:

Application for Waiver of the Limitation on Non-resident Members of Volunteer Fire Companies

An application for a waiver of the requirements of paragraph a of subdivision 7 of section 176-b of the Town Law, which limits the membership of volunteer fire companies to forty-five per centum of the actual membership of the fire company, has been submitted by the Jamesville Fire District, County of Onondaga.

Pursuant to section 176-b of the Town Law, the non-resident membership limit shall be waived provided that no adjacent fire department objects within sixty days of the publication of this notice.

Objections shall be made in writing, setting forth the reasons such waiver should not be granted, and shall be submitted to: Floyd A. Madison, State Fire Administrator, State of New York, Office of Fire Prevention and Control, 99 Washington Ave., Suite 500, Albany, NY 12210-2833

Objections must be received by the State Fire Administrator within sixty days of the date of publication of this notice.

In cases where an objection is properly filed, the State Fire Administrator shall have the authority to grant a waiver upon consideration of (1) the difficulty of the fire company or district in retaining and recruiting adequate personnel; (2) any alternative means available to the fire company or district to address such difficulties; and (3) the impact of the waiver on adjacent fire departments.

For further information, please contact: Deputy Chief Donald Fischer, State of New York, Office of Fire Prevention and Control, 99 Washington Ave., Suite 500, Albany, NY 12210-2833, (518) 474-6746, Donald.Fischer@dos.state.ny.us

PUBLIC NOTICE

Office of General Services

Cattaraugus Residential Center

575 Railroad Street, Limestone, NY

Town of Carrollton, Cattaraugus County

Declaration of Abandonment

OGS Project No. UPL01141

Pursuant to Article 3, Section 30-a of the Public Lands Law, the Office of General Services hereby gives notice to the following:

The New York State Office of Children and Family Services has declared the above mentioned property to be surplus and no longer useful of necessary to their program needs and has abandoned said property to the Office of General Service as unappropriated State-land.

Said lands are planned to be disposed of by the Office of General Services pursuant to the Public Lands Law.

For further information, contact: Frank Pallante, Esq., Office of General Services Legal Services, 41st Fl., Corning Tower Empire State Plaza, Albany, NY 12242, (518) 474-8831 phone, (518) 473-4973 fax

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 prescription drugs dispensed in accordance with State and federal requirements effective May 12, 2011, to comply with recently enacted statutory provisions.

The Commissioner shall have the authority to establish the amount of payments and dispensing fees for prescription drugs. The commissioner shall give notice sixty days in advance of such change to the chairs of the committees on senate finance, assembly ways and means, senate health, and assembly health.

There is no increase or decrease in gross Medicaid expenditures for state fiscal year 2011/12.

Copies of the proposed state plan amendment will be on file in each local (county) social services district and available for public review.

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

The public is invited to review and comment on this proposed state plan amendment.

For further information or to review and comment on this proposed state plan amendment, please contact or write: Patricia A. Keller, RPh., Department of Health, Office of Health Insurance Programs, Division of Policy and Program Guidance, Empire State Plaza, Rm. 720, Corning Tower, Albany, NY 12237, (518) 474-9219, (518) 473-5508 (FAX), PAK04@health.state.ny.us

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 enacted statutory provisions. The following clarifying changes are proposed:

Non-Institutional Services

The following is a clarification to the March 30, 2011 noticed provision for supplemental payments intended for services provided by physicians, nurse practitioners and physician assistants. All such who are employed by a public benefit corporation or a non-state operated public general hospital operated by a public benefit corporation or those who are providing professional services to patients of such a public benefit corporation are now eligible for the supplemental pay-

ments, in addition to the public benefit corporations located in a city of more than one million persons. As previously noticed, these payments will not be available for services provided at facilities participating in the Medicare Teaching Election Amendment.

The estimated annual net aggregate increase in gross Medicaid expenditures attributable to this initiative for state fiscal year 2011/2012 is \$20.5 million.

Copies of the proposed state plan amendments will be on file in each local (county) social services district and available for public review.

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

The public is invited to review and comment on this proposed state plan amendment.

For further information and to review and comment, please contact: Department of Health, Bureau of HCRA Operations and Financial Analysis, Corning Tower Bldg., Rm. 984, Empire State Plaza, Albany, NY 12237, (518) 474-1673, (518) 473-8825 (fax), spa_inquiries@health.state.ny.us

PUBLIC NOTICE

Uniform Code Regional Boards of Review

Pursuant to 19 NYCRR 1205, the petitions below have been received by the Department of State for action by the Uniform Code Regional Boards of Review. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Steven Rocklin, Codes Division, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2011-0115 Matter of Donna M. Romeo, 38 Cottage Lane, North Salem, NY 10560 for an appeal of the Code Enforcement Officers decision concerning the issuance of a building permit for a fence which will restrict access to maintain property in accordance with The Property Maintenance Code of New York.

Involved is the installation of a fence, located at 40 Cottage Lane, Town of North Salem, County of Westchester, State of New York.

2011-0132 Matter of Thomas Nix, 49 German Crossroad, Ithaca, NY 14850 for a variance concerning safety requirements, including required sprinkler systems in a building, located at 545 Thurd Street, City of Ithaca, County of Tompkins, State of New York.

2011-0143 Matter of Hamlin Group, Shawn Hamlin, 163 Homestead Ave., Albany, NY 12203, for a variance concerning safety requirements, including a required sprinkler system in a building, lo-

cated at 1040 Owego Road, Town of Candor, County of Tioga, State of New York

2011-0144 Matter of Mance Cuplov, 600 Blandina Street, Utica, NY for a variance related to the fire retardant of cellar ceiling and cellar stairway in accordance with the New York State Multiple Residence Law.

Involved is an existing three-story three-family dwelling, located at 600 Blandina Street, City of Utica, County of Oneida, State of New York.

2011-0145 Matter of Redwood Inn and Suites, 6235 State Highway 7, Milford, NY for a variance related to the installation of a sprinkler system in accordance with the Uniform Fire Prevention and Building Code.

Involved is the construction of two additions, located at 6235 State Highway 7, Town of Milford, County of Otsego, State of New York.

SALE OF FOREST PRODUCTS

Chenango Reforestation Area Nos. 5 and 17
Contract No. X008196

Pursuant to Section 9-0505 of the Environmental Conservation Law, the Department of Environmental Conservation hereby gives Public Notice for the following:

Sealed bids for 1,966 tons more or less red pine, 9.7 MBF more or less white ash, 25.1 MBF more or less black cherry, 0.2 MBF more or less white spruce, 4.5 MBF more or less hard maple, 12.5 MBF more or less red maple, 10.9 MBF more or less hemlock, 0.5 MBF more or less yellow birch, 0.1 MBF more or less beech, 123 cords more or less firewood, located on Chenango Reforestation Area No. 5, Stands C-28, 29, D-106, 109, 110, 115, 148, and Chenango Reforestation Area No. 17, Stands A-75 and B-20, will be accepted at the Department of Environmental Conservation, Contract Unit, 625 Broadway, 10th Fl., Albany, NY 12233-5027 until 11:00 a.m. on Thursday, May 19, 2011.

For further information, contact: Robert Slavicek, Supervising Forester, Department of Environmental Conservation, Division of Lands and Forests, Region 7, 2715 State Hwy. 80, Sherburne, NY 13460-4507, (607) 674-4036

SALE OF FOREST PRODUCTS

Madison Reforestation Area Nos. 1 and 4
Contract No. X008192

Pursuant to Section 9-0505 of the Environmental Conservation Law, the Department of Environmental Conservation hereby gives Public Notice of the following:

Sealed bids for 36.5 MBF more or less hard maple, 38.7 MBF more or less white ash, 33.9 MBF more or less black cherry, 13.7 MBF more or less red maple, 11.7 MBF more or less hemlock, 0.2 MBF more or less yellow birch, 126 cords more or less firewood, located on Madison Reforestation Area No. 1, Stands B-81.10, F-7, 8, 10, 11, 29, and Madison Reforestation Area No. 4, Stand 87.10, will be accepted at the Department of Environmental Conservation, Contract Unit, 625 Broadway, 10th Fl., Albany, NY 12233-5027 until 11:00 a.m., Thursday, May 19, 2011.

For further information, contact: Robert Slavicek, Supervising Forester, Department of Environmental Conservation, Division of Lands and Forests, Region 7, 2715 State Hwy. 80, Sherburne, NY 13460-4507, (607) 674-4036