

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
Center for Consumer Information and Insurance Oversight
200 Independence Avenue SW
Washington, DC 20201



January 10, 2025

VIA ELECTRONIC MAIL: James.McDonald@health.ny.gov

James V. McDonald
Commissioner
New York State Department of Health
Empire State Plaza
Corning Tower
Albany, NY 12237

Dear Commissioner McDonald:

On September 25, 2024, the Department of Health & Human Services and the Department of the Treasury approved New York's application for an amendment to its State Innovation Waiver under section 1332 of the Patient Protection and Affordable Care Act (ACA). New York's approved amendment application waives sections 1312(c)(1) and 1402 of the ACA, as well as section 36B of the Internal Revenue Code, to allow for the full implementation of the Essential Plan Expansion for April 2024 through plan year 2028 and includes among its affordability programs subsidies for certain Exchange enrollees for plan years 2025 through 2028.

Due to the nature, structure, and financing of the waiver, and as described in New York's specific terms and conditions, pass-through funding will be made available to the state in two portions. The Department of the Treasury has determined that New York's interim pass-through funding amount for calendar year 2025 is \$7,000,000,000; a determination by the Department of the Treasury with respect to New York's final 2025 pass-through funding amount will be made by April 2025. All pass-through funding must be used for purposes of implementing New York's State Innovation Waiver.

We look forward to continuing to work with you and your staff. If you have any questions regarding program matters or official correspondence concerning the waiver, please contact Lina Rashid at Lina.Rashid@cms.hhs.gov or stateinnovationwaivers@cms.hhs.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ellen Montz', is written over a light blue horizontal line.

Ellen Montz, Ph.D.
Director, Center for Consumer Information & Insurance Oversight
Deputy Administrator, Centers for Medicare & Medicaid Services

CC: Aviva Aron-Dine, Deputy Assistant Secretary, Tax Policy, U.S. Department of the Treasury
The Honorable Kathy Hochul, Governor, State of New York
Johanne Morne, Executive Deputy Commissioner, New York State Department of Health
Danielle Holahan, Executive Director, NY State of Health
Sonia Sekhar, Deputy Director, NY State of Health