

**Congress of the United States**  
Washington, DC 20515

September 7, 2007

Honorable Kerry N. Weems  
Acting Administrator  
Centers for Medicare and Medicaid Services  
U.S. Department of Health and Human Services  
200 Independence Ave, SW  
Washington, DC 20201

Dear Acting Administrator Weems:

We are writing in regard to the August 17<sup>th</sup> letter to state health officials which discusses how the Centers for Medicare & Medicaid Services (CMS) will review state requests to extend eligibility under the State Children's Health Insurance Program (SCHIP).

For over a decade, SCHIP has successfully provided health insurance to New York State's most vulnerable population -- low-income children. A key part of the program's success is the flexibility that Congress afforded the states. As you know, under the SCHIP program, states have the flexibility to develop their own plans based on the specific needs of their residents.

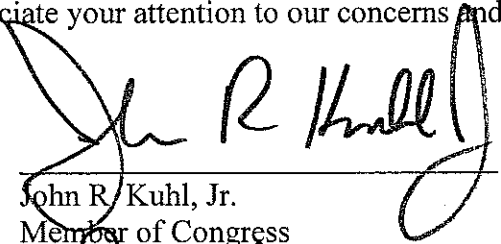
However, we believe that such flexibility may be limited by CMS' new review strategy of SCHIP state plans which was outlined in the August 17<sup>th</sup> letter. Specifically, we are concerned about the following requirements:

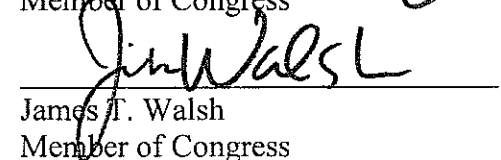
- The State must establish a minimum of a one year period of uninsurance, without any exceptions, for individuals prior to receiving coverage, and
- The State must assure CMS that it has enrolled at least 95 percent of the children in the State below 200 percent of the FPL who are eligible for SCHIP.

Currently, New York State has in place a reasonable six month waiting period prior to an eligible child receiving coverage under SCHIP. Additionally, the mandatory waiting period includes four limited exceptions, such as involuntary loss of employment.

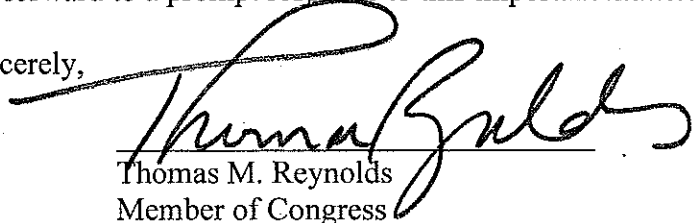
Furthermore, New York State officials maintain that the 95 percent threshold is unrealistic for the State to attain. For example, the State of New York has worked diligently to enroll all eligible low-income children in SCHIP. Despite the State's best efforts, 88 percent of eligible children are currently covered.

We appreciate your attention to our concerns and look forward to a prompt response to this important matter.

  
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John R. Kuhl, Jr.  
Member of Congress

  
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James T. Walsh  
Member of Congress

Sincerely,

  
\_\_\_\_\_  
Thomas M. Reynolds  
Member of Congress