



LOUISE M. SLAUGHTER
CONGRESS OF THE UNITED STATES
25TH DISTRICT, NEW YORK

June 12, 2015

Jason A. Helgerson
Deputy Commissioner Office of Health Insurance Programs
New York State Medicaid Director
New York State Department of Health
Corning Tower, Room 2001
Empire State Plaza
Albany, NY 12237

Dear Deputy Commissioner Helgerson,

It was recently brought to my attention that the New York State Department of Health Medicaid Program is requiring school superintendents to provide their date of birth and Social Security number for processing of Medicaid reimbursement. Several concerned superintendents who are cautious about use of such personally identifiable information have contacted my office regarding this matter. In response, I brought this issue to the attention of the Center for Medicare and Medicaid Services (CMS) to seek clarification, and I am writing today to share my findings.

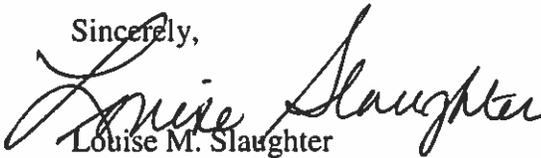
States are required under the Patient Protection and Affordable Care Act (ACA, P.L. 111-148) section 6401, "Provider Screening and Other Enrollment Requirements Under Medicare, Medicaid, and CHIP," to conduct certain provider screening activities and to revalidate providers annually. CMS issued regulations on the provider screening requirements explaining that states are required to have processes in place to screen providers and suppliers that are consistent with the Medicare provider/supplier screening requirements. The requirements allow states to have different requirements depending on the level of provider risk.

There is no federal regulation that requires states to ask for date of birth and Social Security numbers in the process of filing for Medicaid reimbursement. In fact, in the preamble to the regulation on changes to the provider screening requirements required by the ACA (42 CFR 455.104), CMS used school districts as an example of an entity that was exempt from the requirement before passage of ACA and that continues to be exempt, saying "*this rule does not change about whom disclosures must be provided, but rather what information must be disclosed. Except to the extent that any public school districts may be organized as corporations, they were not previously required to make disclosures about their boards, nor are they required to under this new rule.*"

While it is well within the state's authority to require such information, I requested the CMS Director for Medicaid in the NY Regional Office to contact your office to clarify any misunderstanding about the fact that there is no federal requirement for gathering this personal information. I have heard from at least one school superintendent who applied for reimbursement without supplying his date of birth and Social Security number and was denied. This superintendent was told by the state that this information is required by ACA regulation. I look forward to a swift resolution to this situation that does not require the use of a superintendent's personal information, given that they are clearly not a provider of health services.

Thank you for your service and leadership as the first ever New York State Director of Medicaid. I commend you for your dedication to increasing the quality and efficiency of the Medicaid Program.

Sincerely,



Louise M. Slaughter
Member of Congress