

**NEW YORK**  
state department of  
**HEALTH**

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

Sue Kelly  
Executive Deputy Commissioner

September 14, 2012

Gustavo Seinos, State Officer  
DHHS/CMS/CCIIO  
200 Independence Ave, SW  
733H-02  
Washington, DC 20201

Re: Exchange Blueprint Section 1.0 Legal Authority and Governance

Dear Gustavo,

As described below the New York Health Benefit Exchange has completed the requirements for Section 1.0 Legal Authority and Governance. By submission of this letter we seek verification from the Department of Health and Human Services (HHS) that this section of the Blueprint is complete and request a waiver of further submission in this area.

1.1 Enabling Authority for Exchange and SHOP: On April 12, 2012, the New York Health Benefit Exchange was established by Executive Order. The Executive Order established the Exchange within the Department of Health (DOH) and directed DOH to work in conjunction with the Department of Financial Services and other state agencies to take all steps necessary to effectuate the Exchange and to carry out the requirements and serve the goals of the Affordable Care Act.

A copy of the Executive Order is attached. The Executive Order is also available on the Governor's website at <http://www.governor.ny.gov/assets/documents/EO42.pdf>.

1.2 Board and Governance Structure: This section is not applicable as the Exchange has been established within an existing state agency.

If you have any questions regarding this submission, please do not hesitate to contact me at [Donna.Frescatore@exec.ny.gov](mailto:Donna.Frescatore@exec.ny.gov) or 518-408-2500.

We look forward to continued collaboration with HHS as we seek approval for the New York Health Benefit Exchange through the Blueprint process.

Sincerely,



Donna Frescatore  
Executive Director

New York Health Benefit Exchange