

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

CARING PROFESSIONALS, INC. and CONSUMER
DIRECTED PERSONAL ASSISTANCE
ASSOCIATION OF NEW YORK STATE,

Plaintiffs,

v.

NEW YORK STATE DEPARTMENT OF HEALTH,
JAMES V. MCDONALD, in his official capacity as
Commissioner of the New York State Department of Health,
MICHAEL LEWANDOWSKI, in his official capacity as a
representative of the New York State Department of Health's
Office of Health Insurance Programs, and PUBLIC
PARTNERSHIPS LLC,

Defendants.

Index No. 601181/2025

**ATTORNEY
AFFIRMATION OF
HELENA LYNCH**

HELENA LYNCH, a duly licensed attorney admitted to practice before this Court, hereby affirms, under the penalties of perjury under the laws of New York and CPLR Rule 2106, which may include a fine or imprisonment, with the understanding that this document may be filed in an action or proceeding in a court of law, as follows:

1. I am an Assistant Attorney General in the New York State Attorney General's Office, attorney for Defendants New York State Department of Health ("DOH"), James V. McDonald, and Michael Lewandowski (collectively, the "State Defendants").

2. I submit this Affirmation in opposition to Plaintiffs' motion for a preliminary injunction (NYSCEF Doc. Nos. 37-42).

3. Also submitted herewith in opposition to Plaintiffs' Motion are: State Defendants' Memorandum of Law in Opposition to Plaintiffs' Motion for a Preliminary Injunction; Affirmation of Amir Bassiri; and Exhibits 1-8 to the Bassiri Affirmation.

4. Annexed hereto as **Exhibit A** is a true and correct copy of a PDF of DOH's webpage containing hyperlinks to the original and revised notice templates discussed in the accompanying State Defendants' Memorandum of Law in Opposition to Plaintiffs' Motion for a

Preliminary Injunction. The webpages is available at:
https://www.health.ny.gov/health_care/medicaid/redesign/mrt90/cdpas.htm. (last visited Feb. 14, 2025).

5. Pursuant to direction from the Court at oral argument held on January 27, 2025, the undersigned counsel for State Defendants discussed with State Defendants the possibility of narrowing the types of data that Plaintiffs would be required to transmit to DOH. The undersigned then notified counsel for Plaintiffs that DOH had amended the spreadsheets where the data is entered so that social security numbers and dates of birth are not required fields.

6. The undersigned provided the link to the spreadsheets (also discussed in the accompanying Memorandum of Law, at pp. 18-19, 33):
https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fhealth.ny.gov%2Fhealth_care%2Fmedicaid%2Fredesign%2Fmrt90%2F2024%2Fdocs%2Fcdpap_fi_data_tranfer_template.xlsx&wdOrigin=BROWSELINK. (last visited Feb. 14, 2025).

7. My understanding is that Plaintiffs remain unwilling to transfer the data to DOH.
WHEREFORE, I respectfully request that the Court deny Plaintiffs' Motion, in its entirety, and grant such other and further relief that the Court deems just and equitable.

Dated: Mineola, New York
February 18, 2025

LETITIA JAMES
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