

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
601 E. 12th St., Room 355
Kansas City, Missouri 64106



Medicaid and CHIP Operations Group

December 12, 2024

Brian Meyer, Medicaid Director
Agency for Health Care Administration
2727 Mahan Drive, Mail Stop #20
Tallahassee, FL 32308

RE: Hurricanes Helene and Milton Appendix K Amendment & 1135 Tribal Consultation
Modification

Dear Director Meyer:

The Centers for Medicare & Medicaid Services (CMS) approves Florida's request to amend the Individual Budgeting 1915(c) Home and Community-Based Services (HCBS) waiver, control number FL 0867.R03.01, with the Emergency Preparedness and Response Appendix K in order to respond to the Hurricane Helene and Hurricane Milton emergencies.

Effective September 23, 2024, through six months following the end of the public health emergency declaration (Helene or Milton, whichever ends later), this amendment temporarily modifies the due dates and in-person requirements for level of care reevaluations and person-centered plan development.

On September 26, 2024, and October 8, 2024 (for hurricanes Helene and Milton, respectively), pursuant to Section 1135 of the Act, the Secretary of the United States Department of Health and Human Services (HHS) declared a public health emergency (PHE), invoking the authority to waive or modify certain requirements of titles XVIII, XIX, and XXI of the Act. During a PHE, the CMS may approve the use of section 1135 authority to help ensure that sufficient health care items and services are available to meet the needs of individuals enrolled in Medicaid programs and to ensure that health care providers that furnish such items and services in good faith, but are unable to comply with one or more of such requirements, may be reimbursed for such items and services and exempted from sanctions for such noncompliance, absent any determination of fraud or abuse. This authority took effect as of September 26, 2024, with a retroactive effective date of September 23, 2024, for Hurricane Helene, and on October 8, 2024, with a retroactive effective date of October 5, 2024, for Hurricane Milton. The emergency period will terminate, and section 1135 waivers will no longer be available, six months following the end of the PHE (whichever period ends latest), including any extensions.

The State of Florida requested a waiver to modify the tribal consultation timeline applicable to the 1915(c) waiver Appendix K amendment submission process. Pursuant to section 1135(b)(5) of the Act, CMS approves the state's request to modify the timeframes associated with tribal consultation required under section 1902(a)(73) of the Act, including conducting consultation after submission of the Appendix K amendments.

We have included the approved Appendix K pages for this waiver with this correspondence. Please utilizes the waiver management system for HCBS waivers for any further amendments to this waiver program other than Appendix K.

Thank you for your cooperation during the review process. If you have any questions concerning this information, please contact George Failla, Director of the Division of HCBS Operations and Oversight at (410) 786-7561. You may also contact Alice Hogan at Alice.Hogan@cms.hhs.gov or (404) 562-7432.

Sincerely,



Courtney Miller, Director
Medicaid and CHIP Operations Group

cc: Meagan Owens, Florida Medicaid
Ann Dalton, Florida Medicaid
George Failla, CMS
Alice Hogan, CMS
Kia Carter-Anderson, CMS