

**JOSH GREEN, M.D.**  
GOVERNOR  
KE KIA'ĀINA



**CATHY BETTS**  
DIRECTOR  
KA LUNA HO'ŌKELE

**JOSEPH CAMPOS II**  
DEPUTY DIRECTOR  
KA HOPE LUNA HO'ŌKELE

**STATE OF HAWAII**  
KA MOKU'ĀINA O HAWAI'I  
**DEPARTMENT OF HUMAN SERVICES**  
KA 'OIHANA MĀLAMA LAWELAWE KANAKA  
Med-QUEST Division  
Policy & Program Development Office  
P. O. Box 700190  
Kapolei, Hawai'i 96709-0190

**TRISTA SPEER**  
DEPUTY DIRECTOR  
KA HOPE LUNA HO'ŌKELE

October 27, 2023

Mr. Daniel Tsai  
Deputy Administrator and Director  
Center for Medicaid and CHIP Services  
Centers for Medicare & Medicaid Services  
7500 Security Boulevard  
Baltimore, Maryland 21244

Dear Mr. Tsai:

**RE: EXTENSION OF SECTION 1115 DEMONSTRATION (11-W-00001/9) EMERGENCY  
PREPAREDNESS AND RESPONSE ATTACHMENT K**

Pursuant to recent Centers for Medicare & Medicaid Services (CMS) guidance in SMD# 23-004 and in light of the August 2023 Maui Wildfire Disaster, please accept this letter as the State of Hawaii's request to extend select flexibilities within the State's existing Section 1115 Demonstration (11-W-00001/9) Emergency Preparedness and Response Attachment K, beyond the current November 11, 2023, expiration.<sup>1</sup> Consistent with CMS guidance from our meeting on August 28, 2023, Hawai'i has also incorporated these requested Attachment K flexibilities within its underlying Section 1115 Demonstration renewal application, which is currently undergoing stakeholder review during the State's 30-day public comment period. Through this application, the State seeks to renew the Section 1115 Demonstration for an additional five years, beginning August 1, 2024, and continuing through July 31, 2029.

---

<sup>1</sup> *State Medicaid Director Letter #23-004: Extension of 1915(C) Home and Community-Based Services Waiver Appendix K Expiration Dates*. Centers for Medicare & Medicaid Services. 2023.  
<https://www.medicaid.gov/sites/default/files/2023-08/smd23004.pdf>

While the COVID-19 Public Health Emergency presented multiple challenges for Hawai'i and its over 460,000 Medicaid beneficiaries, it also presented the State with new opportunities to strengthen and promote expanded access to Home and Community Based Services (HCBS), specifically through new Attachment K flexibilities like telehealth and electronic service delivery methods.

To continue these advancements, Hawai'i requests continued authority as described below. Additional details are provided in Table 1.

- Virtual/remote evaluations, assessments, and person-centered service planning;
- Electronic method of signing off on required documents;
- Electronic service delivery for select services; and
- Payment for family caregivers or legally responsible individuals to render services.

**Table 1.** Attachment K Flexibilities Requested for Continued Approval.

Flexibility	Description of Continuing Authority Requested
<b>Modify service scope or coverage</b>	Use telehealth or other electronic methods of service delivery to allow services to continue to be provided remotely in the home setting for: <ul style="list-style-type: none"> <li>• Case management;</li> <li>• Monthly monitoring (i.e., in order to meet the reasonable indication of the need for services requirement in 1915(c) waivers);</li> <li>• Adult day care; and</li> <li>• Adult day health.</li> </ul>
<b>Modify processes for level of care evaluations or re-evaluations</b>	Continue flexibility to remotely conduct a functional assessment to determine initial Level of Care (LOC) for new beneficiaries needing HCBS services, as well as for LOC re-assessments.
<b>Modify person-centered service plan development process</b>	If chosen by the beneficiary, continue flexibility for health plan service coordinators to use telehealth that meets privacy requirements in lieu of in-person meetings to conduct Health and Functional Assessments (HFA) to develop or update service plan.
<b>Permit payment for services rendered by family caregivers or legally responsible individuals</b>	Subject to parameters to be further set by the State in subsequent guidance, continue flexibility to allow payment for services rendered by family caregivers or legally responsible individuals for Personal Assistance Level I and Level II as an alternative to agency or independent and unrelated self-direct workers.

Mr. Daniel Tsai  
October 27, 2023  
Page 3

The State's approach to ensuring program integrity and preventing misuse of these flexibilities and/or harm to beneficiaries will be further detailed in its Section 1115 Demonstration renewal request to CMS.

We appreciate and look forward to CMS's continued support. If you have any questions about this request, please contact Ms. Cori Kekina at (808) 782-9783 or [ckekina@dhs.hawaii.gov](mailto:ckekina@dhs.hawaii.gov) for 1115 Demonstration Waiver issues and Mr. Jon Fujii at (808) 692-8083 or [jfujii@dhs.hawaii.gov](mailto:jfujii@dhs.hawaii.gov) for the HCBS content.

Thank you for your consideration of this request.

Sincerely,



Judy Mohr Peterson, PhD  
Med-QUEST Division Administrator

c: Chiquita Brooks-LaSure  
Administrator  
Centers for Medicare & Medicaid Services  
[Chiquita.Brooks-LaSure@cms.hhs.gov](mailto:Chiquita.Brooks-LaSure@cms.hhs.gov)

Anne Marie Costello  
Deputy Director  
Center for Medicaid and CHIP Services  
Centers for Medicare & Medicaid Services  
[AnneMarie.Costello@cms.hhs.gov](mailto:AnneMarie.Costello@cms.hhs.gov)

Mehreen Rashid  
Acting Director, State Demonstrations Group  
Center for Medicaid and CHIP Services  
Centers for Medicare & Medicaid Services  
[mehreen.rashid@cms.hhs.gov](mailto:mehreen.rashid@cms.hhs.gov)

Brian Zolynas  
State Monitoring Lead, State Operations Group  
Center for Medicaid and CHIP Services  
Centers for Medicare & Medicaid Services  
[brian.zolynas@cms.hhs.gov](mailto:brian.zolynas@cms.hhs.gov)