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State/Territory Name: **Maryland**

State Plan Amendment (SPA) #: **22-0019**

This file contains the following documents in the order listed:

- 1) Approval Letter
- 2) CMS 179 Form/Summary Form (with 179-like data)
- 3) Approved SPA Pages

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
7500 Security Boulevard, Mail Stop S2-26-12
Baltimore, Maryland 21244-1850



December 14, 2022

Steven Schuh
Maryland Department of Health
201 W. Preston St., 5th Floor
Baltimore, MD 21201

Re: Maryland State Plan Amendment (SPA) MD-22-0019-A

Dear Mr. Schuh:

The Centers for Medicare & Medicaid Services (CMS) reviewed the proposed Medicaid State Plan Amendment (SPA) originally submitted under transmittal number (TN) MD-22-0019. SPA 22-0019 proposes to temporarily implement a disregard of income that would have otherwise been part of an individual's liability for institutional or home and community-based waiver services based on application of the post-eligibility treatment-of income (PETI) rules, but which became countable resources on or after March 18, 2020, originally approved in Disaster Relief SPA 22-0019. Because the state also wanted to extend this provision beyond the end of the COVID-19 Public Health Emergency (PHE) period, it created MD-22-0019-A to do so. MD-22-0019-A is the subject of this approval letter.

CMS conducted our review of your submittal according to statutory requirements in Title XIX of the Act and implementing regulations. This letter is to inform you that Maryland's Medicaid SPA Transmittal Number 22-0019-A is approved effective the day after the end of the PHE.

If you have any questions, please contact Talbatha Myatt at 215-861-4259 or via email at Talbatha.Myatt@cms.hhs.gov.

Sincerely,

Alissa M.
Deboy -S

Digitally signed by Alissa
M. Deboy -S
Date: 2022.12.15
15:17:11 -05'00'

Alissa Mooney DeBoy
On Behalf of Anne Marie Costello, Deputy Director
Center for Medicaid and CHIP Services

Enclosures

**TRANSMITTAL AND NOTICE OF APPROVAL OF
STATE PLAN MATERIAL
FOR: CENTERS FOR MEDICARE & MEDICAID SERVICES**

1. TRANSMITTAL NUMBER <u>2 2</u> — <u>0 0 1 9 A</u>	2. STATE <u>MD</u>
3. PROGRAM IDENTIFICATION: TITLE OF THE SOCIAL SECURITY ACT <input checked="" type="radio"/> XIX <input type="radio"/> XXI	

TO: CENTER DIRECTOR
CENTERS FOR MEDICAID & CHIP SERVICES
DEPARTMENT OF HEALTH AND HUMAN SERVICES

4. PROPOSED EFFECTIVE DATE
July 1, 2022 Day after the end of PHE

5. FEDERAL STATUTE/REGULATION CITATION
Sections 1135(b) and 1902 of the Social Security Act

6. FEDERAL BUDGET IMPACT (Amounts in WHOLE dollars)
a. FFY 2022 \$ 0
b. FFY 2023 \$ 0

7. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT
Attachment 7.4, 7.4.C, pages 112-122 new
Attachment 7.4.B page 1

8. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable)

9. SUBJECT OF AMENDMENT: ~~Resource disregard for ABD groups during the Public Health Emergency (PHE); a new disregard during the 12-month period after the end of the PHE; waiver of 42 CFR 435.907(f) for the 12-month period after the end of the PHE. The SPA also includes, effective March 21, 2020 through August 15, 2021, the waiver of any signature requirements for the dispensing of drugs, the waiver to permit provision of a 14-day emergency supply, instead of a 72-hour emergency supply of prescribed drug, and the waiver of prior authorization requirements for non-preferred drugs. Resource disregard for ABD groups during Public Health Emergency; new resource disregard during 12-month period after end of Public Health Emergency (PHE); waiver of 42 C.F.R. §435.907(f) for the 12-month period after end of PHE, as well as updates coverage and reimbursement of COVID-19 vaccine administration for pharmacies.~~

10. GOVERNOR'S REVIEW (Check One)

GOVERNOR'S OFFICE REPORTED NO COMMENT OTHER, AS SPECIFIED:
 COMMENTS OF GOVERNOR'S OFFICE ENCLOSED
 NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL

11. NAME OF SUBMITTER
[Redacted] IAL
Tricia Roddy

13. TITLE
Deputy Medicaid Director

14. DATE SUBMITTED
9/13/22

15. RETURN TO
Steven Schuh
Medicaid Director
Maryland Department of Health
201 W. Preston St., 5th Floor
Baltimore, MD 21201

FOR CMS USE ONLY

16. DATE RECEIVED 09/16/2022	17. DATE APPROVED 12/14/2022
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PLAN APPROVED - ONE COPY ATTACHED

18. EFFECTIVE DATE OF APPROVED MATERIAL Day after the end of the PHE	19. SIGNATURE OF APPROVING OFFICIAL Alissa M. Deboy - <small>Digitally signed by Alissa M. Deboy S Date: 2022.12.15 15:17:27 -0500</small>
20. TYPED NAME OF APPROVING OFFICIAL Alissa Mooney DeBoy On Behalf of Anne Marie Costello	21. TITLE OF APPROVING OFFICIAL Deputy Director, Center for Medicaid and CHIP Services

22. REMARKS
12-8-22 and 12-13-22- The state requested the following pen & ink changes:
Box 1- update Transmittal number to reflect MD-22-0019 A; Box 4-u date effective date to reflect Da after the end of PHE
Box 15-add contact Steven Schuh; **Box 7- delete 7.4C and update SPA page numbers to reflect 112-122 (NEW); delete 7.4-C and 7.4 SPA page numbers to reflect 1112-1222(NEW); Add 7.4.B page number 1;** Box 9- update the Subject to reflect : Resource disregard for ABD groups during the Public Health Emergency (PHE); a new disregard during the 12-month period after the end of the PHE; waiver of 42 CFR 435.907(f) for the 12-month period after the end of the PHE. The SPA also includes, effective March 21, 2020 through August 15, 2021, the waiver of any signature requirements for the dispensing of drugs, the waiver to permit provision of a 14-day emergency supply, instead of a 72-hour emergency supply of prescribed drug, and the waiver of prior authorization requirements for non-preferred drugs.

7.4.B Temporary Extension to the Disaster Relief Policies in effect following the COVID-19 National Emergency

Effective the day after the end of the PHE until the last day of the twelfth month after the end of the PHE, the agency temporarily extends the following election of section 7.4 (approved on 12/15/2022 in SPA Number MD-22-0019) of the state plan:

Section A – Eligibility

3 x The agency applies less restrictive financial methodologies to individuals excepted from financial methodologies based on modified adjusted gross income (MAGI) as follows.

Less restrictive resource methodologies:

Disregard as a resource income that would otherwise have been part of an individual’s liability for his or her institutional or home- and community-based waiver services based on application of the post-eligibility treatment-of-income (PETI) rules but which became countable resources on or after March 18, 2020 for the following non-MAGI groups:

- Qualified Medicare Beneficiaries, 1902(a)(10)(E)(i)
- Special Low-income Medicare Beneficiaries, 1902(a)(10)(E)(iii)
- Qualifying Individuals, 1902(a)(10)(E)(iv)
- Individuals eligible for but not receiving cash assistance, 1902(a)(10)(A)(ii)(I)
- Individuals eligible for cash assistance but for institutionalization, 42 CFR 435.211
- HCBS waiver participants under a Special Income Level, 42 CFR 435.217
- NF residents under a Special Income Level, 1902(a)(10)(A)(ii)(V)
- Medically needy individuals eligible based on age, blindness, or disability
42 CFR 435.320, 435.322, 435.324

Such resources will be disregarded through the twelve months following the end of the month in which the COVID-19 public health emergency ends.