

DEPARTMENT OF HEALTH & HUMAN SERVICES  
Centers for Medicare & Medicaid Services  
7500 Security Boulevard, Mail Stop S2-14-26  
Baltimore, Maryland 21244-1850



**Disabled and Elderly Health Programs Group**

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February 9, 2023

Dawn Stehle, Director  
Arkansas Department of Human Services  
P.O. Box 1437, Slot S201  
Little Rock, Arkansas 72203-1437

Dear Director Stehle:

We are writing to inform you that the Centers for Medicare & Medicaid Services (CMS) is approving Arkansas' request to amend the following 1915(c) Home and Community-Based Services (HCBS) waivers with the Emergency Preparedness and Response Appendix K in order to respond to the COVID-19 pandemic:

WAIVER TITLE	CMS AMENDMENT CONTROL NUMBER
AR Choices in Home Care Waiver	AR.0195.R06.03
Living Choices Assisted Living Waiver	AR.0400.R04.05

The amendments that the state has requested in the Appendix K are additive to those previously approved and are effective from March 12, 2020 through six months after the end of the Public Health Emergency (PHE). CMS notes the state is extending the end date of all previously approved flexibilities from July 16, 2022 to six months after the end of the PHE with the exception of the flexibility which allows registered nurses and licensed practical nurses employed with other Medicaid enrolled providers to provide attendant care and nursing service; and the flexibility which allows for the level of care evaluation and re-evaluation to occur via telehealth. For both noted exceptions the end date will be extended from July 16, 2022 to December 31, 2022. The amendments apply in all locations served by the individual waiver for anyone impacted by COVID-19.

CMS reminds the state that the state must have an approved spending plan in order to use the money realized from section 9817 of the ARP. Approval of this action does not constitute approval of the state's spending plan.

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

If you need assistance, feel free to contact Bernice Denbow of my staff at 410-786-6777 or by e-mail at [Bernice.Denbow@cms.hhs.gov](mailto:Bernice.Denbow@cms.hhs.gov) or Margherita Sciulli at 410-786-0691 or by e-mail at [Margherita.Sciulli@cms.hhs.gov](mailto:Margherita.Sciulli@cms.hhs.gov).

Sincerely,

Melissa L. Harris  
Deputy Director, DEHPG

Enclosure