

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

October 19, 2021

Tracy Johnson
Colorado Department of Health Care Policy and Financing
1570 Grant Street
Denver, CO 80128

Dear Dr. Johnson:

We are writing to inform you that the Centers for Medicare & Medicaid Services (CMS) is approving Colorado's 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
Elderly, Blind and Disabled (HCBS-EBD)	CO.0006.R08.20
HCBS Waiver for Community Mental Health Supports (CMHS)	CO.0268.R05.21
Supported Living Services (SLS)	CO.0293.R05.15
Persons with Brain Injury (HCBS-BI)	CO.0288.R05.20
Persons with Spinal Cord Injury	CO.0961.R02.09
Children's Home and Community Based Services (CHCBS) waiver	CO.4157.R06.16
HCBS waiver for Children with Life Limiting Illness	CO.0450.R03.08
Children's Extensive Supports (CES) Waiver	CO.4180.R05.14
Developmentally Disabled (HCB-DD)	CO.0007.R08.15
HCBS- Children's Habilitation Residential Program	CO.0305.R05.14

The amendments that the state has requested in the Appendix K are additive to those previously approved and apply in all locations served by the individual waivers for anyone impacted by COVID-19. The state's approved Appendix K is effective from March 10, 2020 to six months after the end of the federal public health emergency (PHE) for COVID-19. CMS notes the rate increase is effective from April 1, 2021 to March 31, 2022. Additionally, the change in bed limits for out of state residential providers is effective July 1, 2021 and applies only to the Developmentally Disabled Waiver, CO.0007.

The state has identified its intent to use money realized from section 9817 of the American Rescue Plan (ARP). Approval of this action does not constitute approval of the state's spending plan. The state must have an approved spending plan in order to use the money realized from section 9817 of the ARP.

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Please note the guidance issued in the December 22, 2020 State Health Official Letter ([SHO](#)); specifically, the requirement for advance notice of beneficiaries. When closing an Appendix K or ending an Appendix K flexibility prior to the end date of the Appendix K, the requirement for advance notice of beneficiaries applies. More details can be found on pages 11-12 of the SHO.

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 this waiver program other than the Appendix K.

If you need assistance, feel free to contact Amanda Hill of my staff at 410-786-2457 or by e-mail at Amanda.Hill@cms.hhs.gov or Mary Marchioni at 303-844-7094 or by e-mail at Mary.Marchioni@cms.hhs.gov.

Sincerely,

Melissa L. Harris
Deputy Director, DEHPG

Enclosure