

# APPENDIX K: Emergency Preparedness and Response and COVID-19 Addendum

## Background:

This standalone appendix may be utilized by the state during emergency situations to request amendments to its approved waiver, to multiple approved waivers in the state, and/or to all approved waivers in the state. It includes actions that states can take under the existing Section 1915(c) home and community-based waiver authority in order to respond to an emergency. Other activities may require the use of various other authorities such as the Section 1115 demonstrations or the Section 1135 authorities.<sup>1</sup> This appendix may be applied retroactively as needed by the state. Public notice requirements normally applicable under 1915(c) do not apply to information contained in this Appendix.

## Appendix K-1: General Information

### General Information:

A. State: District of Columbia

B. Waiver Title(s): Elderly and Persons with Physical Disabilities (EPD Waiver)

C. Control Number(s):

DC.0334.R04.05

D. Type of Emergency (The state may check more than one box):

<input checked="" type="radio"/>	Pandemic or Epidemic
<input type="radio"/>	Natural Disaster
<input type="radio"/>	National Security Emergency
<input type="radio"/>	Environmental
<input type="radio"/>	Other (specify):

E. **Brief Description of Emergency.** *In no more than one paragraph each*, briefly describe the: 1) nature of emergency; 2) number of individuals affected and the state's mechanism to identify individuals at risk; 3) roles of state, local and other entities involved in approved waiver operations; and 4) expected changes needed to service delivery methods, if applicable. The state should provide this information for each emergency checked if those emergencies affect different geographic areas and require different changes to the waiver.

COVID-19 pandemic. This amendment will apply waiver-wide for each waiver included in this Appendix, to all individuals impacted by the virus or the response to the virus (e.g., closure of day programs, etc.). This Appendix K is additive to the District's previously approved Appendix Ks. This Appendix K temporarily modifies the service limitations for respite services and community transition services; and temporarily adds coverage of personal emergency response system (PERS) services under the EPD waiver.

**F. Proposed Effective Date: Start Date:** October 1, 2020 **Anticipated End Date:** March 10, 2021

**G. Description of Transition Plan.**

All activities will take place in response to the impact of COVID-19 as efficiently and effectively as possible based upon the complexity of the change.

**H. Geographic Areas Affected:**

These actions will apply across the waiver to all individuals impacted by the COVID-19 virus.

**I. Description of State Disaster Plan (if available) Reference to external documents is acceptable:**

N/A

## Appendix K-2: Temporary or Emergency-Specific Amendment to Approved Waiver

**Temporary or Emergency-Specific Amendment to Approved Waiver:**

*These are changes that, while directly related to the state's response to an emergency situation, require amendment to the approved waiver document. These changes are time limited and tied specifically to individuals impacted by the emergency. Permanent or long-ranging changes will need to be incorporated into the main appendices of the waiver, via an amendment request in the waiver management system (WMS) upon advice from CMS.*

**a. Access and Eligibility:**

**i. Temporarily increase the cost limits for entry into the waiver.**

[Provide explanation of changes and specify the temporary cost limit.]

**ii. \_\_\_ Temporarily modify additional targeting criteria.**

[Explanation of changes]

**b. X Services**

**i. \_\_\_ Temporarily modify service scope or coverage.**

[Complete Section A- Services to be Added/Modified During an Emergency.]

**ii. X Temporarily exceed service limitations (including limits on sets of services as described in Appendix C-4) or requirements for amount, duration, and prior authorization to address health and welfare issues presented by the emergency.**

[Explanation of changes]

*The following information is additive to the information in the previously approved Appendix K.*

Effective October 1, 2020:

- Temporarily modify the service limitations for (1) Respite services, allowing for the provision of respite services in excess of 17 hours per day (up to 24 hours), when authorized in the participant's person-centered service plan.
- Temporarily increase the number of days prior to discharge from a long-term care facility that an individual is eligible for Community Transition Services, from 60 days to 120 days.

**iii. X Temporarily add services to the waiver to address the emergency situation (for example, emergency counseling; heightened case management to address emergency needs; emergency medical supplies and equipment; individually directed goods and services; ancillary services to establish temporary residences for dislocated waiver enrollees; necessary technology; emergency evacuation transportation outside of the scope of non-emergency transportation or transportation already provided through the waiver).**

[Complete Section A-Services to be Added/Modified During an Emergency]

**iv. \_\_\_ Temporarily expand setting(s) where services may be provided (e.g. hotels, shelters, schools, churches). Note for respite services only, the state should indicate any facility-based settings and indicate whether room and board is included:**

[Explanation of modification, and advisement if room and board is included in the respite rate]:

**v. \_\_\_ Temporarily provide services in out of state settings (if not already permitted in the state's approved waiver). [Explanation of changes]**

c.      **Temporarily permit payment for services rendered by family caregivers or legally responsible individuals if not already permitted under the waiver.** Indicate the services to which this will apply and the safeguards to ensure that individuals receive necessary services as authorized in the plan of care, and the procedures that are used to ensure that payments are made for services rendered.

d.      **Temporarily modify provider qualifications (for example, expand provider pool, temporarily modify or suspend licensure and certification requirements).**

i.      **Temporarily modify provider qualifications.**

[Provide explanation of changes, list each service affected, list the provider type, and the changes in provider qualifications.]

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ii.      **Temporarily modify provider types.**

[Provide explanation of changes, list each service affected, and the changes in the provider type for each service].

iii.      **Temporarily modify licensure or other requirements for settings where waiver services are furnished.**

[Provide explanation of changes, description of facilities to be utilized and list each service provided in each facility utilized.]

e.      **Temporarily modify processes for level of care evaluations or re-evaluations (within regulatory requirements).** [Describe]

f.   X   **Temporarily increase payment rates.**

[Provide an explanation for the increase. List the provider types, rates by service, and specify whether this change is based on a rate development method that is different from the current

approved waiver (and if different, specify and explain the rate development method). If the rate varies by provider, list the rate by service and by provider.]

*The following changes are additive to those in the previously approved Appendix K.*

Effective October 1, 2020, temporarily permit reimbursement of Respite 18-24 hours/day service. Respite 18-24 hours/day shall be reimbursed at a flat rate of \$331.09 per day. Reimbursement for Respite 18-24 hours/day is limited to a maximum of twenty (20) days per year for each waiver participant.

Effective October 1, 2020, temporarily permit reimbursement of Personal Emergency Response System (PERS) installation and monthly rental services. The PERS installation rate is a \$40 flat rate that includes the installation, maintenance, and removal of the PERS equipment from the participant's home. The service rate is \$28.50 per month that includes the rental of the PERS equipment and the services provided by the monitoring agency.

**g. \_ Temporarily modify person-centered service plan development process and individual(s) responsible for person-centered service plan development, including qualifications.**

[Describe any modifications including qualifications of individuals responsible for service plan development, and address Participant Safeguards. Also include strategies to ensure that services are received as authorized.]

**h. \_ Temporarily modify incident reporting requirements, medication management or other participant safeguards to ensure individual health and welfare, and to account for emergency circumstances.** [Explanation of changes]

**i. \_ Temporarily allow for payment for services for the purpose of supporting waiver participants in an acute care hospital or short-term institutional stay when necessary supports (including communication and intensive personal care) are not available in that setting, or when the individual requires those services for communication and behavioral stabilization, and such services are not covered in such settings.**

[Specify the services.]

**j. \_ Temporarily include retainer payments to address emergency related issues.**

[Describe the circumstances under which such payments are authorized and applicable limits on their duration. Retainer payments are available for habilitation and personal care only.]

**k. \_\_\_ Temporarily institute or expand opportunities for self-direction.**

[Provide an overview and any expansion of self-direction opportunities including a list of services that may be self-directed and an overview of participant safeguards.]

**l. \_\_\_ Increase Factor C.**

[Explain the reason for the increase and list the current approved Factor C as well as the proposed revised Factor C]

**m. \_ Other Changes Necessary [For example, any changes to billing processes, use of contracted entities or any other changes needed by the State to address imminent needs of individuals in the waiver program]. [Explanation of changes]**

## Appendix K Addendum: COVID-19 Pandemic Response

**1. HCBS Regulations**

- a. ☐ Not comply with the HCBS settings requirement at 42 CFR 441.301(c)(4)(vi)(D) that individuals are able to have visitors of their choosing at any time, for settings added after March 17, 2014, to minimize the spread of infection during the COVID-19 pandemic.

**2. Services**

- a. ☐ Add an electronic method of service delivery (e.g., telephonic) allowing services to continue to be provided remotely in the home setting for:
- i. ☐ Case management
  - ii. ☐ Personal care services that only require verbal cueing
  - iii. ☐ In-home habilitation
  - iv. ☐ Monthly monitoring (i.e., in order to meet the reasonable indication of need for services requirement in 1915(c) waivers).
  - v. ☐ Other *[Describe]*:

- b. ☐ Add home-delivered meals

- c. ☐ Add medical supplies, equipment and appliances (over and above that which is in the state plan)
- d. ☐ Add Assistive Technology

**3. Conflict of Interest: The state is responding to the COVID-19 pandemic personnel crisis by authorizing case management entities to provide direct services. Therefore, the case management entity qualifies under 42 CFR 441.301(c)(1)(vi) as the only willing and qualified entity.**

- a. ☐ Current safeguards authorized in the approved waiver will apply to these entities.
- b. ☐ Additional safeguards listed below will apply to these entities.

**4. Provider Qualifications**

- a. ☐ Allow spouses and parents of minor children to provide personal care services
- b. ☐ Allow a family member to be paid to render services to an individual.

- c. ☐ Allow other practitioners in lieu of approved providers within the waiver. *[Indicate the providers and their qualifications]*

- d. ☐ Modify service providers for home-delivered meals to allow for additional providers, including non-traditional providers.

**5. Processes**

- a. ☐ Allow an extension for reassessments and reevaluations for up to one year past the due date.
- b. ☐ Allow the option to conduct evaluations, assessments, and person-centered service planning meetings virtually/remotely in lieu of face-to-face meetings.
- c. ☐ Adjust prior approval/authorization elements approved in waiver.
- d. ☐ Adjust assessment requirements
- e. ☐ Add an electronic method of signing off on required documents such as the person-centered service plan.

**Contact Person(s)**

- A. The Medicaid agency representative with whom CMS should communicate regarding the request:**

**First Name:** Ieisha  
**Last Name** Gray  
**Title:** Director, Long Term Care Administration  
**Agency:** Department of Health Care Finance  
**Address 1:** 441 4<sup>th</sup> Street NW  
**Address 2:** Suite 900  
**City** Washington  
**State** District of Columbia  
**Zip Code** 20001  
**Telephone:** 202-442-5818  
**E-mail** ieisha.gray@dc.gov  
**Fax Number** 202-442-4790

**B. If applicable, the State operating agency representative with whom CMS should communicate regarding the waiver is:**

**First Name:** Click or tap here to enter text.  
**Last Name** Click or tap here to enter text.  
**Title:** Click or tap here to enter text.  
**Agency:** Click or tap here to enter text.  
**Address 1:**  
**Address 2:** Click or tap here to enter text.  
**City** Click or tap here to enter text.  
**State** Click or tap here to enter text.  
**Zip Code** Click or tap here to enter text.  
**Telephone:** Click or tap here to enter text.  
**E-mail** Click or tap here to enter text.  
**Fax Number** Click or tap here to enter text.

## 8. Authorizing Signature

**Signature:**

**Date:** 10/22/2020

\_\_\_\_\_/S/\_\_\_\_\_  
State Medicaid Director or Designee



**First Name:** Melisa  
**Last Name** Byrd  
**Title:** Senior Deputy Director / State Medicaid Director  
**Agency:** Department of Health Care Finance  
**Address 1:** 441 4<sup>th</sup> Street NW  
**Address 2:** Suite 900  
**City** Washington  
**State** District of Columbia  
**Zip Code** 20001  
**Telephone:** 202-442-9075  
**E-mail** melisa.byrd@dc.gov  
**Fax Number** 202-442-4790

## Section A---Services to be Added/Modified During an Emergency

Complete for each service added during a time of emergency. For services in the approved waiver that the state is temporarily modifying, enter the entire service definition and highlight the change. State laws, regulations and policies referenced in the specification should be readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Service Title:		Personal Emergency Response System (PERS)	
Complete this part for a renewal application or a new waiver that replaces an existing waiver. Select one:			
Service Definition (Scope):			
<p>Effective October 1, 2020, PERS is an electronic device that enables certain persons at high risk of institutionalization to secure help in emergency situations by activating a system connected to the person's phone that is programmed to signal a response when a portable "help" button is activated.</p> <p>Each system is comprised of three basic elements:</p> <p>(a) Small radio transistor (portable help button) carried by the user;</p> <p>(b) Console or receiving base connected to a user's telephone; and</p> <p>(c) Response center or responder to monitor the calls.</p>			
Specify applicable (if any) limits on the amount, frequency, or duration of this service:			
<p>1) No PERS will be provided to persons enrolled in the waiver who live with an individual who assumes responsibility for the safety of the recipient;</p> <p>2) No PERS will be provided for persons who are unable to understand and demonstrate proper use of the system;</p> <p>3) No PERS will be provided to persons who live with an individual who assumes responsibility for providing care (to the person enrolled in the waiver) and the person is not left alone for significant periods of time;</p> <p>4) PERS response center support must be provided on a 24-hours per day, 7-days per week basis;</p> <p>5) Emergency equipment repair service must be available to the person on a 24-hours per day, 7-days per week basis; and</p> <p>6) The PERS provider must allow the person to designate respondent(s) who will respond to emergency calls. Respondents may be relatives, friends, neighbors or medical personnel.</p>			
Provider Category(s) (check one or both):	<input type="checkbox"/>	Individual. List types:	<input checked="" type="checkbox"/> Agency. List the types of agencies:
			PERS Provider - Business
Specify whether the service may be provided by (check each that applies):	<input type="checkbox"/>	Legally Responsible Person	<input checked="" type="checkbox"/> Relative/Legal Guardian
<b>Provider Qualifications</b> (provide the following information for each type of provider):			
Provider Type:	License (specify)	Certificate (specify)	Other Standard (specify)

<b>PERS Provider - Business</b>	Business in good standing in the District of Columbia.	N/A	<p>Each business or provider of Medicaid reimbursable PERS services shall have a current license, certification, or registration with the District of Columbia as appropriate for the electronic system being purchased.</p> <ul style="list-style-type: none"> <li>• Each business, or provider shall also demonstrate knowledge of applicable standards of manufacture, design, and installation.</li> <li>• In order to be eligible for Medicaid reimbursement, the 24-hour/7 day per week emergency response center shall be monitored by trained operators capable of determining if an emergency exists and notifying emergency services and the person's respondent.</li> <li>• Each provider of PERS shall develop and maintain an incident reporting process that requires notification to DHCF within twenty four (24) hours of a reportable emergency response; and</li> <li>• Each provider of PERS shall have a Medicaid Provider Agreement with DHCF to be enrolled as a PERS provider under the EPD Waiver.</li> </ul>
<b>Verification of Provider Qualifications</b>			
Provider Type:	Entity Responsible for Verification:		Frequency of Verification

<b>PERS Provider - Business</b>	DHCF's Long Term Care Administration will conduct an initial provider screening and readiness review to ensure compliance with EPD Waiver programmatic requirements. Additionally, provider qualifications are reviewed and verified by DHCF Division of Public and Private Provider Services.	DHCF's Long Term Care Administration will monitor providers to ensure compliance with EPD Waiver programmatic requirements at least annually.  DHCF Division of Public and Private Provider Services verifies qualifications during the initial provider application review process as well as the re-enrollment process (every three years). DHCF may conduct telephonic surveys in lieu of out-of-State site visits for prospective EPD Waiver Medicaid provider applicants (and/or re-enrolling providers) to verify provider readiness.		
<b>Service Delivery Method</b> <i>(check each that applies):</i>	<input type="checkbox"/>	Participant-directed as specified in Appendix E	<input checked="" type="checkbox"/>	Provider managed




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<sup>i</sup> Numerous changes that the state may want to make may necessitate authority outside of the scope of section 1915(c) authority. States interested in changes to administrative claiming or changes that require section 1115 or section 1135 authority should engage CMS in a discussion as soon as possible. Some examples may include: (a) changes to administrative activities, such as the establishment of a hotline; or (b) suspension of general Medicaid rules that are not addressed under section 1915(c) such as payment rules or eligibility rules or suspension of provisions of section 1902(a) to which 1915(c) is typically bound.