

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

September 12, 2022

Steven R. Schuh, Medicaid Director
Maryland Department of Health
201 West Preston Street
Rm 525
Baltimore, Maryland 21201

Dear Mr. Schuh,

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

WAIVER TITLE	CMS AMENDMENT CONTROL NUMBER
Waiver for Adults with Brain Injury	MD.40198.R04.01

The state's approved Appendix K is effective from March 1, 2020 through six months after the end of the Public Health Emergency (PHE). The amendment that the state has requested in the Appendix K is additive to those previously approved. The state is temporarily waiving the requirement that restricts transitions onto the waiver from privately owned nursing facilities effective August 1, 2022 through six months after the end of the PHE. The amendment applies in all locations served by the individual waiver for anyone impacted by COVID-19.

During this review, CMS noted concerns with the additional targeting criteria in the base waiver which restricts individuals from privately owned nursing facilities from entering the Waiver for Adults with Brain Injury. CMS will provide technical assistance on the subject in subsequent base waiver reviews.

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 American Rescue Plan (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 Appendix K.

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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 or Margherita Sciulli at 410-786-0691 or by e-mail at Margherita.Sciulli@cms.hhs.gov.

Sincerely,

Alissa Mooney DeBoy
Director, DEHPG

Enclosure