

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

March 28, 2023

Tricia Roddy, Deputy Medicaid Director
Maryland Department of Health
201 West Preston Street, Rm 224
Baltimore, Maryland 21201

Dear Deputy Director Roddy:

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
Community Pathways Waiver	MD.0023.R07.10

The state's approved Appendix K is effective from March 13, 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. CMS notes effective January 1, 2022, providers who have not accessed Appendix K retainer payments or have exhausted Appendix K retainer payments may access retainer payments as stipulated in the approved base waiver.

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. Approval of this action does not constitute approval of the state's spending plan.

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 these waiver programs other than 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 or Margherita Sciulli at 410-786-0691 or by e-mail at Margherita.Sciulli@cms.hhs.gov.

Sincerely,

Alissa Mooney DeBoy, Director
DEHPG

Enclosure