

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 15, 2021

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 tenth submission 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
Medical Day Care Services Waiver	MD.0645.R02.05

The state's approved Appendix K is effective from March 1, 2020 through six months after the end of the Public Health Emergency (PHE). CMS notes the state is beginning to incrementally decrease the temporary telephonic per diem day rate for the Adult Medical Day Care service. The amendment that the state has requested in the Appendix K is additive to those previously approved and is effective from October 1, 2021 through the termination of the temporary telephonic per diem day rate on December 31, 2021; it applies in all locations served by the individual waivers for anyone impacted by COVID-19.

The incremental decrease of the temporary telephonic per diem day rate is not considered a violation of section 9817 of the American Rescue Plan (ARP) based on the language in the CMS approved Appendix K in place prior to April 1, 2021 that clearly states "The telephonic service day rate is 85 percent of the standard AMDC service per diem. This rate will be in place until further notice by the Department." 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.

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.

Mr. Schuh – Page Two

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 Mary Marchioni at 303-844-7094 or by e-mail at Mary.Marchioni@cms.hhs.gov.

Sincerely,

Melissa L. Harris
Deputy Director, DEHPG

Enclosure