

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.¹ 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: _____ Michigan _____

B. Waiver Title(s): MI Choice

C. Control Number(s): MI.0233.05.08

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

<input checked="" type="checkbox"/>	Pandemic or Epidemic
<input type="checkbox"/>	Natural Disaster
<input type="checkbox"/>	National Security Emergency
<input type="checkbox"/>	Environmental
<input type="checkbox"/>	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.)

The purpose of this amendment is to extend the end date of the Appendix K to six months after the conclusion of the public health emergency. Though the state is requesting to extend the end date for the Appendix K amendment, the Department reserves the right to remove flexibilities that have been approved which are no longer deemed necessary. Providers and recipients will be notified in advance of any change to state policy/flexibility end dates contained in the Appendix K. Medicaid appeal rights will be made available to all waiver recipients and providers as applicable.

This amendment modifies the end dates for flexibilities. The Level of Care Determination extensions will end on 5/11/2023. The flexibility to allow Level of Care Evaluations to be conducted virtually will end 5/11/2023. As of 5/12/2023 all initial Level of Care Evaluations must be conducted in person.

Additionally, the state will reinstate the collection of data for performance measures as of May 12, 2023.

Lastly, MDHHS will end the flexibility to not allow visitors of their choosing at any time for certain HCBS settings as of May 11, 2023. There are no restrictions on visitors for HCBS beneficiaries as of May 12, 2023, consistent with 42 CFR 441.301(c)(4)(vi)(D).

F. Proposed Effective Date: Start Date: March 1, 2020 **Anticipated End Date:** Six months after the conclusion of the public health emergency.

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.

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

Because of the recommendation for social distancing and self-isolation for the population served, extend any level of care determinations that will expire during the effective period of this appendix for 12 months beyond the due date of the recertification. Additionally, new evaluations and re-evaluations that must be conducted may be completed telephonically, via telehealth, or using video conferencing commonly available on smart phones in accordance with HIPAA.

The flexibilities described here will end May 11, 2023, consistent with the end of the Public Health Emergency.

m. X 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]

The timeframes for the submission of the CMS 372s and the evidentiary package(s) will be extended as needed pursuant to the emergency and will be submitted in July 2021. In addition, the state may suspend the collection of data for performance measures other than those identified for the Health and Welfare assurance and notes that as a result the data may be unavailable for this time frame due to the circumstances of the pandemic.

The extension for the CMS 372 report was only applicable for the report due March 30, 2021. The state has reinstated the collection of data for performance measures as of May 12, 2023.

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. Processes

- a. Allow an extension for reassessments and reevaluations for up to one year past the due date.

Contact Person(s)

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

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Last Name: Coleman
Title: Waiver Specialist
Agency: Behavioral and Physical Health and Aging Services Administration
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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: Click or tap here to enter text.
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: /S/

Date: 05/19/2023

State Medicaid Director or Designee

First Name: *Farah*
Last Name *Hanley*
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