

DEPARTMENT OF HEALTH & HUMAN SERVICES  
Centers for Medicare & Medicaid Services  
7500 Security Boulevard, Mail Stop S2-14-26  
Baltimore, Maryland 21244-1850



**Medicaid Benefits and Health Programs Group**

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July 24, 2023

Farah Hanley, Medicaid Director  
Medical Services Administration  
400 S Pine, 7th Floor  
Lansing, MI 48909-7979

Dear Director Hanley,

We are writing to inform you that the Centers for Medicare & Medicaid Services (CMS) is approving Michigan'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
MI Choice Waiver	MI.0233.05.08

The state's approved Appendix K is effective from March 1, 2020 through six months after the end of the Public Health Emergency (PHE). Effective May 11, 2023, the state is ending the flexibility which allows for level of care determination extensions and the flexibility which allows level of care determinations to be conducted virtually. In addition, effective May 11, 2023, the state is ending the flexibility that suspended the collection of data for performance measures and the flexibility to not comply with the HCBS setting requirement to allow waiver participants to have visitors of their choosing at any time.

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.

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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](mailto:Bernice.Denbow@cms.hhs.gov) or Margherita Sciulli at 410-786-0691 or by e-mail at [Margherita.Sciulli@cms.hhs.gov](mailto:Margherita.Sciulli@cms.hhs.gov).

Sincerely,

Alissa Mooney DeBoy, Director  
MBHPG

Enclosure