

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 26, 2021

Patrick Hultman
Minnesota Department of Human Services
540 Cedar Street
St. Paul, MN 55164-0983

Dear Mr. Hultman:

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

WAIVER TITLE	CMS AMENDMENT CONTROL NUMBER
Elderly Waiver	MN.0025.R08.15
Brain Injury Waiver	MN.4169.R05.18
Community Access for Disability Inclusion	MN.0166.R07.04
Community Alternative Care	MN.4128.R07.13
Developmental Disabilities Waiver	MN.0061.R07.17

The amendments that the state has requested in the Appendix K are additive to those previously approved. The effective date of the Appendix K is March 13, 2020. CMS notes the provision identified in Appendix K-2-b-ii is effective November 12, 2020) and the provision identified in Appendix K-2-b-iv is effective April 29, 2020. The Appendix K is effective until six months after the end of the federal public health emergency (PHE) for COVID-19; and it applies in all locations served by the individual waivers for anyone impacted by COVID-19.

Please note the guidance issued in the December 22, 2020 State Health Official Letter ([SHO](#)). Specifically, flexibilities approved via the 1135 authority expire at the end of the PHE. We advise that the state review the SHO, as well as the flexibilities approved via the 1135 authority and consider if adjustments need to be made in the Appendix K to compensate for the loss of the 1135 options. For example, CMS strongly advises that a state that waived regulatory requirements of a home and community-based setting for any new settings being used during the PHE, assess those settings to determine if they are appropriate for use in the six months after the PHE expires. 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.

Mr. Hultman – 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 the Appendix K.

If you need assistance, feel free to contact Ryan Shannahan of my staff at 410-786-0295 or by e-mail at Ryan.Shannahan@cms.hhs.gov or Ralph Lollar at 410-786-0777 or by e-mail at Ralph.Lollar@cms.hhs.gov .

Sincerely,

Alissa Mooney DeBoy
Director, DEHPG

Enclosure