

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

January 21, 2022

Caprice Knapp, Director
Division of Medical Services
Department of Human Services
600 East Boulevard Avenue Dept.325
Bismarck, ND 58505-0250

Dear Ms. Knapp:

We are writing to inform you that the Centers for Medicare & Medicaid Services (CMS) is approving North Dakota'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
Children's Hospice waiver	ND.0834.R02.05
Medically Fragile Children waiver	ND.0568.R02.06
Home and Community Based Services waiver	ND.0273.R05.09
Traditional IID/DD Home and Community Based Services waiver	ND.0037.R08.06
Autism Spectrum Disorder (ASD) waiver	ND.0842.R02.06

The state's approved Appendix K is effective from March 1, 2020 to six months after the end of the federal public health emergency (PHE) for COVID-19. The amendments that the state has requested in the Appendix K are additive to those previously approved; they apply in all locations served by the individual waivers for anyone impacted by COVID-19. CMS notes effective August 1, 2021, the state may authorize provider managed In-Home Supports service providers under the Developmental Disabilities Traditional IID/DD HCBS waiver to be eligible for 2021 retainer payments, and effective February 1, 2022, the state increases the rates for supervision services under the Medicaid Waiver for Home and Community Based Services waiver as identified in the Appendix K. Additionally, the state is ending various flexibilities and is returning to normal operations and requirements approved in the base waivers, which provides a more integrated environment of HCBS, effective May 1, 2021.

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

Ms. Knapp – 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 Daphne Hicks of my staff at 214-767-6471 or by e-mail at Daphne.Hicks@cms.hhs.gov or Marge Sciulli at 410-786-0691 or by e-mail at Margherita.Sciulli@cms.hhs.gov.

Sincerely,

Alissa Mooney DeBoy
Director, DEHPG

Enclosure