

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**

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January 19, 2021

Nicole Comeaux, Director  
Medical Assistance Division  
Human Services Department  
1 Plaza La Prensa  
Santa Fe, NM 87507

Dear Ms. Comeaux:

We are writing to inform you that the Centers for Medicare & Medicaid Services (CMS) is approving New Mexico'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
Developmental Disabilities waiver	NM.0173.R06.07
Mi Via ICF/IDD waiver	NM.0448.R02.05
Medically Fragile waiver	NM.0223.R05.06
Supports waiver	NM.1726.R00.02

The amendments that the state has requested in the Appendix K are additive to those previously approved and are effective from January 27, 2020 to six months after the end of the federal public health emergency (PHE) for COVID-19; they apply 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.

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 Daphne Hicks of my staff at 214-767-6471 or by e-mail at [daphne.hicks@cms.hhs.gov](mailto:daphne.hicks@cms.hhs.gov) or Mary Marchioni at 303-844-7094 or by e-mail at [mary.marchioni@cms.hhs.gov](mailto:mary.marchioni@cms.hhs.gov).

Sincerely,

Alissa Mooney DeBoy  
Director

Enclosure