

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

April 13, 2023

Lorelei Kellogg, Acting Director
Medical Assistance Division
Human Services Department
1 Plaza La Prensa
Santa Fe, NM 87507

Dear Acting Director Kellogg:

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.R07.04
Medically Fragile waiver	NM.0223.R06.04
Mi Via waiver	NM.0448.R03.04
Supports waiver	NM.1726.R00.06

The state's approved Appendix K is effective from January 27, 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 apply in all locations served by the individual waivers for anyone impacted by COVID-19. Effective March 31, 2023 and June 30, 2023, the state will end the specified operational flexibilities as identified within the Appendix K.

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.

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