

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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May 13, 2022

Amir Bassiri  
Acting Medicaid Director  
New York State Department of Health  
99 Washington Avenue, Suite 1715  
Albany, NY 12210

Dear Mr. Bassiri:

We are writing to inform you that the Centers for Medicare & Medicaid Services (CMS) is approving New York'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
Nursing Home Transition and Diversion	NY.0444.R02.07
Traumatic Brain Injury	NY.0269.R04.08

The state's approved Appendix K is effective from March 1, 2020 through six months after the end of the federal Public Health Emergency (PHE) for COVID-19. The amendments that the state has requested in this Appendix K are additive to those previously approved. The modification of the nursing visit rate unit is effective upon approval of this Appendix K submission. In addition, the rate increases for structured day programs, vaccination stipends, training stipends, and recruitment and retention payments are effective April 1, 2021. Further, this submission requires providers to update reportable incident information no later than June 1, 2022 and service coordination providers to submit a transition plan for conducting level of care reassessments by April 1, 2022. The state is also terminating retainer payments in this Appendix K in order to make clear that this flexibility has expired. The Appendix K applies in all locations served by the individual waivers for anyone impacted by COVID-19.

The state has identified its intent to use 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. The state must have an approved spending plan in order to use the money realized from section 9817 of the ARP.

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.

Mr. Bassiri – Page Two

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](mailto:Ryan.Shannahan@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, DEHPG

Enclosure