

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

February 24, 2023

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

Dear Director 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) waiver with the Emergency Preparedness and Response Appendix K in order to respond to the COVID-19 pandemic:

WAIVER TITLE	CMS AMENDMENT CONTROL NUMBER
Office for People with Developmental Disabilities (OPWDD) Comprehensive Home and Community Based Services (HCBS) waiver	NY.0238.R06.12

The state's approved Appendix K is effective March 7, 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 the Appendix K are additive to those previously approved; they apply in all locations served by the individual waiver for anyone impacted by COVID-19. CMS acknowledges the purpose of this amendment is to delay certain rate setting provisions approved in the base waiver for Day Habilitation and Site-Based Prevocational services until the end of the Appendix K as those rate setting provisions would result in a decrease in payment rates. In addition, this Appendix K includes one-time supplemental bonus payments for certain HCBS staff who were not included in earlier incentive programs established under Appendix K amendment NY.0238.R06.08.

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 the HCBS waivers for any further amendments to these waiver programs other than the Appendix K.

Page Two - Bassiri

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,

Melissa L. Harris, Deputy Director
DEHPG

Enclosure