

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, 2021

Stephanie Stephens
State Medicaid Director
Health and Human Services Commission
4900 North Lamar Blvd
Austin, TX 78751

Dear Ms. Stephens:

We are writing to inform you that the Centers for Medicare & Medicaid Services (CMS) is approving Texas' 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
Youth Empowerment Services	TX.0657.R02.05
Texas Home Living	TX.0403.R03.08
Home and Community-Based Services	TX.0110.R07.07
Deaf Blind with Multiple Disabilities	TX.0281.R05.08
Community Living Assistance and Support Services	TX.0221.R06.04
Medically Dependent Children Program	TX.0181.R06.08

The amendments that the state has requested in the Appendix Ks are additive to those previously approved. The effective period for these Appendix Ks is March 13, 2020 until the end of the federal public health emergency (PHE) for COVID-19; and they apply in all locations served by the individual waivers for anyone impacted by COVID-19. CMS notes the provision identified in Appendix K-2-f for TX.0110.R07.07 is effective April 1, 2020.

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 Ks 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. 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 the Appendix Ks.

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 or Ralph Lollar at 410-786-0777 or by e-mail at Ralph.Lollar@cms.hhs.gov .

Sincerely,

Alissa Mooney DeBoy
Director, DEHPG

Enclosure