



**CABINET FOR HEALTH AND FAMILY SERVICES
DEPARTMENT FOR MEDICAID SERVICES**

Andy Beshear
Governor

Division of Community Alternatives
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Eric C. Friedlander
Secretary

Pam Smith
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Commissioner

To: 1915(c) Home and Community Based Services Waiver Providers

From: Pam Smith
Director, Division of Community Alternatives

Re: Appendix K – Natural Disaster

Date: June 2, 2022

The Department for Medicaid Services (DMS) is notifying 1915(c) Home and Community Based Services (HCBS) waiver providers that Kentucky's Appendix K amendment in place due to the December 10-11, 2021, tornado outbreak expires on June 30, 2022. Appendix K allows states to make temporary changes to 1915(c) HCBS waiver programs to address emergency situations. Temporary changes made under this Appendix K amendment helped meet participant health, safety, and welfare needs and addressed access to care and staffing shortages in counties affected by the tornado outbreak. Some of the flexibilities from the natural disaster have been added to Kentucky's COVID-19 Appendix K amendment, which is still in effect. Please see the breakdown below to understand what is and is not ending effective June 30, 2022.

Flexibilities ending June 30, 2022

- Expanded Settings
 - Residential, Respite, Attendant Care, and Personal Assistance services can no longer be provided in shelters, hotels, churches, or state resort parks.
- Out of State Settings
 - 1915(c) HCBS waiver participants can no longer receive Residential services out-of-state.
- Home Delivered Meals
 - The service will no longer cover meals provided at a centralized location for providers to pick up and distribute to participants. All other Home Delivered Meals changes will remain in place after June 30, 2022.



KENTUCKY CABINET FOR
HEALTH AND FAMILY SERVICES

If a participant or provider will be affected by the end of the above flexibilities, please contact DMS and we will work with you on a transition plan. DMS can be reached by contacting the 1915(c) Waiver Help Desk at (844) 784-5614 or 1915cWaiverHelpDesk@ky.gov.

Flexibilities continuing after June 30, 2022

DMS initially included the following flexibilities in the Appendix K amendment related to the natural disaster. These flexibilities have since become available statewide under the COVID-19 Appendix K amendment approved in March 2022 and will remain in effect for up to six months after the end of the federal public health emergency.

- Provider Qualifications
 - Licensed Practical Nurses and individuals with an Associate's degree and/or relevant experience can continue to be hired as case managers.
 - The minimum age for Respite, Personal Assistance, Attendant Care, and Residential staff will remain 18 with or without a high school diploma or GED.
- Modified Setting Requirements
 - Acquired Brain Injury – Acute (ABI) and Acquired Brain Injury – Long Term Care (ABI-LTC) providers can continue to house up to five (5) participants in one residence.
 - Technology Assisted Residential can continue to be provided in the ABI and ABI LTC waivers.

Additional information about the COVID-19 Appendix K flexibilities is available on the DMS Division of Community Alternatives website at <https://bit.ly/kyhcbswaiverinfo>.

If you have questions or concerns about this notice, please contact the 1915(c) Waiver Help Desk at (844) 784-5614 or 1915cWaiverHelpDesk@ky.gov.

Sincerely,



Pam Smith
Director, Division of Community Alternatives