



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

Andy Beshear
Governor

Division of Community Alternatives
275 East Main Street, 6W-B
Frankfort, KY 40621
www.chfs.ky.gov

Eric C. Friedlander
Secretary

Pam Smith
Director

Lisa D. Lee
Commissioner

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

From: Pam Smith
Director, Division of Community Alternatives

Date: March 24, 2021

Re: Appendix K Extension

The Department for Medicaid Services (DMS) is notifying providers that the Centers for Medicare and Medicaid Services (CMS) has approved a renewal of Appendix K of the 1915(c) Home and Community Based Services waiver application. This extension is effective **retroactive to March 5, 2021**. This is the date the previous version of Appendix K expired. The renewal is effective until six months after the end of the U.S. Department of Health and Human Services' public health emergency declaration. Under the renewal of Appendix K, providers will have a **transition period of at least 60 days** between the end of the public health emergency and the return to normal waiver operations.

DMS first submitted an Appendix K amendment to CMS in March 2020. Appendix K allows states to make temporary changes to waiver policy during emergency situations to address programmatic needs and participant health, safety, and welfare for the duration of the emergency. DMS carried over a majority of updates included in the original Appendix K approved in March 2020 and included several amendments.

- Added Community Mental Health Centers as a provider type for participant-directed case management and financial management services in the Home and Community Based waiver
- Added a provision to allow waiver services to be provided to waiver participants in acute hospital settings when the hospital cannot meet the participant's non-medical needs related to their disability
- Clarified that participants residing with a family home provider or in adult foster care may receive respite and personal assistance to address increased care needs caused by COVID-19
- Clarified that overtime or an increase in requested services beyond the typical limit must be related to the COVID-19 pandemic and can only be applied to situations where there is no alternative caregiver or natural support available
- Updated Home Delivered Meals to clarify the service cannot be used to purchase bulk groceries
- Added an extra service unit for case managers/support brokers/service advisors to assist participants in obtaining a COVID-19 vaccination appointment



- Removed the retainer payments option due to the reopening of congregate settings

Waiver-related COVID-19 resources are available on the DMS DCA website at <https://bit.ly/kyhcbstwaiverinfo>.

If you have questions about these updates or waiver policy as it relates to COVID-19, please contact the 1915(c) Waiver Help Desk at 1915cWaiverHelpDesk@ky.gov or (844) 784-5614.

Sincerely,



Pam Smith
Director, Division of Community Alternatives