



**Managed Care Group**

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June 20, 2024

Cynthia Beane, MSW, LCSW, Commissioner  
Bureau for Medical Services  
350 Capitol Street, Room 251  
Charleston, WV 25301-3706

RE: West Virginia WV.0006.R02 1915(b) Renewal/WV.1646.R01.02 1915(c) Amendment

Dear Commissioner Beane:

The Centers for Medicare & Medicaid Services (CMS) is approving West Virginia’s request to amend its 1915(c) home and community-based services (HCBS) waiver, for Children with Serious Emotional Disorder (CSED). This waiver will provide HCBS for individuals who, absent the waiver, would require hospitalization. This waiver is assigned WV.1646.R01.02, which should be referenced in all future correspondence relating to this waiver.

In accordance with 42 CFR 423.910, states submit Medicare Modernization Act (MMA) files to CMS to, among other things, ensure that dually eligible individuals have the correct cost sharing amounts for the Medicare Part D prescription drug coverage. Participants in 1915(c) waivers qualify for \$0 copays for Medicare Part D drugs. To ensure cost sharing is accurate, it is imperative that the state apply the “H” indicator on MMA file submissions for all Medicare-eligible participants in this waiver. This indicator is what initiates \$0 copays for Medicare Part D drugs. More information is in chapter 6 of the [MAPD State User Guide](#).”

The 1915(c) waiver will offer the following services: In-Home Family Support, Independent Living/Skills Building, Job Development, Respite Care, In-Home, Supported Employment Individual, Wraparound Facilitation, High Intensity Wraparound Facilitation, Mobile Response, Moderate Intensity Wraparound, Assistive Equipment, Community Transition, Family Therapy, Non-Medical Transportation, Peer Parent Support, Respite Care, Out-of-Home and Specialized Therapy.

The following estimates of utilization and cost have been approved:

Waiver Year	Unduplicated Recipients	Average Cost per Participant (Factor D)	Total Waiver Costs
WY1 02/01/2023-01/31/2024	2000	101715.00	203429925.00
WY2 02/01/2024-01/31/2025	2250	101913.15	229304576.42
WY3 02/01/2025-01/31/2026	2250	102737.51	231159388.44
WY4 02/01/2026-01/31/2027	2500	101738.00	254345001.00
WY5 02/01/2027-01/31/2028	2500	101738.00	254345001.00

It is important to note that CMS’ approval of the 1915 (c) action solely addresses the state’s compliance with the applicable Medicaid authorities. CMS’ approval does not address the state’s independent and separate obligations under federal laws including, but not limited to, the Americans with Disabilities Act, §504 of the Rehabilitation Act, or the Supreme Court’s Olmstead decision. Guidance from the Department of Justice concerning compliance with the Americans with Disabilities Act and the Olmstead decision is available at [http://www.ada.gov/olmstead/q&a\\_olmstead.htm](http://www.ada.gov/olmstead/q&a_olmstead.htm).

Concurrently, CMS is approving West Virginia’s request to renew its 1915(b) waiver titled Mountain Health Promise and is assigned WV.0006.R02.00. This waiver allows West Virginia to use one specialized Managed Care Organization (MCO) to provide comprehensive physical and behavioral health care, children’s residential care, and socially necessary services to select beneficiaries in foster care, youth formerly in foster care who receive adoption assistance, and children eligible for serious emotional disorder home and community-based services. This 1915(b) waiver is authorized under sections 1915(b)(1) and 1915(b)(4)] of the Social Security Act and provides a waiver of the following sections of Title XIX:

- Section 1902(a)(10)(B) Comparability
- Section 1902(a)(23) Freedom of Choice

Our decision is based on the evidence submitted to CMS demonstrating that the state's proposal is consistent with the purposes of the Medicaid program, will meet all the statutory and regulatory requirements for assuring beneficiaries access to and quality of services, and will be a cost-effective means of providing services to enrollees under this waiver.

The state will report all 1915(b) waiver expenditures on the applicable CMS 64-9 WAIV forms in MBES.

Approved MEG(s)	Form/Waiv Name	New/Existing/Modified
Children with Serious Emotional Disorders	64.9 WAIV/CSED	Existing
Foster Care Children	64.9 WAIV/Foster Care	New
Adoption & Guardianship Assistance	64.9 WAIV/Adoption-Guardianship Assistance	New
Youth Formerly in Foster Care	64.9 WAIV/Former Foster Care	New

West Virginia is responsible for documenting the applicable cost-effectiveness and quality in subsequent renewal requests for this authority. On a quarterly basis, the state is required to submit to CMS the previous quarter’s member months by approved MEG on the attached “1915(b) Worksheet for State Reporting of Member Months.” The report is due 30 days after the end of each quarter and should be submitted to the DMCO Actions mailbox, <mailto:MCGDMCOActions@cms.hhs.gov>. The State should also conduct its own quarterly calculations using Tab D6 of the approved 1915(b) Waiver Cost Effectiveness Worksheets and request an amendment to the waiver should the State discover the waiver’s actual costs are

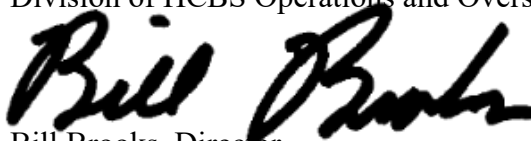
exceeding projections. Additionally, the State must submit a waiver amendment to reflect any major changes impacting the program, including changes in waivers/statutory authority needed, type/number of delivery systems, geographic areas, populations, services, quality/access, monitoring plan.

The 1915(c) waiver action is effective for five years beginning February 1, 2023 through January 31, 2028. The 1915(b) waiver action is effective for two years beginning July 1, 2024 through June 30, 2026. These waiver actions operate concurrently. The state may request renewal of these waiver authorities by providing evidence and documentation of satisfactory performance and oversight. West Virginia's request to renew the 1915(b) waiver authority should be submitted to CMS no later than April 1, 2026. Request for renewal of the 1915(c) waiver authority is due by October 31, 2027.

We appreciate the cooperation and effort provided by you and your staff during the review of these concurrent actions. If you have any questions concerning this information, please contact Charles Steinmetz at (215) 861-4169 or via email at [charles.steinmetz@cms.hhs.gov](mailto:charles.steinmetz@cms.hhs.gov) for the Children with Serious Emotional Disorder 1915(c) waiver amendment or Lisa Jones at (410) 786-1760 or via email at [lisa.jones@cms.hhs.gov](mailto:lisa.jones@cms.hhs.gov) for the Mountain Health Promise 1915(b) waiver renewal.

Sincerely,

George P. Failla, Jr., Director  
Division of HCBS Operations and Oversight

A handwritten signature in black ink that reads "Bill Brooks". The signature is written in a cursive, slightly slanted style.

Bill Brooks, Director  
Division of Managed Care Operations

Cc: Randall K. Hill, WV HSBS  
Susan Hall Deel, WV DHHR  
Margherita Sciulli, CMS  
Dominique Mathurin, CMS  
Sabrina Tillman-Boyd, CMS  
Tammi Hessen, CMS  
Paul Teti, CMS

Enclosure: 1915(b) Worksheet for State Reporting of Member Months