

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**

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November 22, 2021

Cynthia Beane, Commissioner  
Bureau for Medical Services  
350 Capitol Street, 251  
Charleston, WV 25301

Dear Commissioner Beane:

We are writing to inform you that the Centers for Medicare & Medicaid Services (CMS) is approving West Virginia's 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:

<b>WAIVER TITLE</b>	<b>CMS AMENDMENT CONTROL NUMBER</b>
Intellectual/Developmental Disability waiver	WV.0133.R07.06
Aged and Disabled waiver	WV.0134.R07.07
Traumatic Brain Injury waiver	WV.0876.R02.05
Children with Serious Emotional Disorder waiver (CSED)	WV.01646.R00.09

The state's approved Appendix K is effective March 1, 2020 through six months after the end of the Public Health Emergency (PHE). 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 waivers for anyone impacted by COVID-19. Effective April 1, 2021 through March 31, 2022, the state will implement a temporary rate increase as specified in the amendment for each identified waiver, service, and direct-care worker. Effective September 1, 2021, for the Children with Serious Emotional Disorder (CSED) waiver, the state is temporarily modifying provider qualifications to allow Master's level, non-licensed clinicians under supervision to deliver specified services and temporarily adding the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA/Katie Beckett) eligibility group. Also, effective September 1, 2021, the state may authorize up to three episodes of 30 consecutive days for personal assistance retainer payments as identified in the amendment.

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.

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Please note the guidance issued in the December 22, 2020 State Health Official Letter ([SHO](#)); specifically, the requirement for advance notice of beneficiaries. 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 K.

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](mailto:daphne.hicks@cms.hhs.gov) or Mary Marchioni at 303-844-7094 or by e-mail at [mary.marchioni@cms.hhs.gov](mailto:mary.marchioni@cms.hhs.gov).

Sincerely,

Alissa Mooney DeBoy  
Director, DEHPG

Enclosure