

FACT SHEET

Emergency Flexibilities

Appendix K of the 1915(c)

Standalone appendix that may be utilized by states during emergency situations to request amendment to approved 1915(c) waivers. Expires six months following the end of the public health emergency (PHE) or any earlier approved date elected by the state. Common examples include increased reimbursement and retainer payments, payments to family caregivers, and changes in the way offered services are delivered.

Section 1135 Authority

Request temporary waivers or modifications of federal Medicaid requirements to ensure that sufficient items and services are available in area affected by a federally-declared PHE. Expires at the end of the PHE. Common examples include waiving written person-centered planning requirements, waivers of HCBS Settings requirements, and waiving conflict of interest requirements.

Medicaid Disaster Relief State Plan Amendment (SPA)

Request temporary changes to their Medicaid state plan services to address access and coverage issues during a state of emergency. Expires at the end of PHE or any earlier approved date elected by state. Common examples include increased reimbursement, addition of new services and/or removing caps on services, and modifying provider qualifications or adding new provider types.

FACT SHEET

Emergency Flexibilities

Common Appendix K Flexibilities

- Modifying services
- Modifying provider qualifications
- Modifying payment rates
- Retainer Payments
- Modifying person-centered planning
- Allowing virtual Level of Care determinations
- Allowing payment for HCBS in institutional settings
- Changes to participant safeguards
- Extending dates for Level of Care determinations
- Allowing payment to family caregivers
- Modifying access to and/or eligibility to services

FACT SHEET

Emergency Flexibilities

Common 1135 Flexibilities

- States requesting to waiver written person-centered planning requirements
- States requesting waiver of HCBS Settings Rule requirements
- States requesting to waiver 1915(c) Level of Care timelines
- States requesting to waiver conflict of interest requirements
- States requesting to waiver 1915(i) eligibility timeline

FACT SHEET

Emergency Flexibilities

Common 1915(i) Disaster Relief SPA Flexibilities

- Modifying payment rates
- Modifying benefits including adding new services, telehealth options, removing limit caps and/or increasing home delivered meals
- Modifying provider qualifications and/or added provider types
- Modifying person-centered planning requirements
- Expanding settings where services may be delivered
- Allowing virtual eligibility and independent assessments
- Allowing retainer payments
- Allowing relatives and/or legally responsible persons to deliver service
- Modifying conflict of interest requirements
- Adding self-direction options

