



May 7, 2020

Inter-Tribal Council of Nevada  
Serrell Smokey, ITCN President  
Tribal Chairman of Washoe Tribe  
919 Highway 395 S  
Gardnerville, Nevada 89410

Dear Tribal Members:

In accordance with established consultation guidelines, the Division of Health Care Financing and Policy (DHCFP) is notifying Nevada tribes of the following changes in policy:

In response to the March 13, 2020 United States Presidential proclamation of a national emergency, the Secretary of the United States Department of Health and Human Services invoked his authority to waive or modify certain requirements of the 1915(c) Home and Community-Based Services (HCBS) Waivers as a result of the COVID-19 pandemic. The Appendix K - Emergency Preparedness and Response is a tool for the states to request amendments to an approved 1915(c) HCBS Waiver during emergency situations such as the COVID-19 pandemic.

The DHCFP submitted one Appendix K for all three of our Waivers, Frail Elderly (FE), Persons with Physical Disability (PD) and Intellectual and Developmental Disability (IDD). The Centers for Medicare and Medicaid Services (CMS) approved the Division's Appendix K on April 15, 2020 with a retroactive effective date of January 27, 2020. The approved Appendix K can be found at <https://www.medicaid.gov/state-resource-center/downloads/nv-appendix-k-appvl-ltr.pdf> and the following is a summary of changes:

- Increased service limitations and added a service to the IDD Waiver
- Temporarily expanded settings for center-based services to be allowed in a home environment
- Temporarily permit payment for services rendered by a Legally Responsible Individual (LRI)
- Temporarily waive certification and licensure requirements for provider qualifications
- Temporarily allow telephonic evaluations, re-evaluations and person-centered plans of individuals
- Streamline and expedite waiver eligibility determinations by removing pre-approval of the DHCFP on Intake packets
- Extend reporting due dates through time period of Appendix K
- Temporarily allow payment for services while a recipient is in an acute hospital or short-term institutional stay
- Temporarily allow retainer payments to providers when an individual is hospitalized, absent from their home or temporary closure for up to 30 days

The end date of the changes in the Appendix K is January 26, 2021.

There is no anticipated fiscal impact to the Tribal Governments.

If you would like a consultation regarding this proposed change in policy, please contact Crystal Biselli at (775) 684-3722 who will schedule a meeting. We would appreciate a reply within 30 days from the date of this letter. If we do not hear from you within this time, we will consider this an indication that no consultation is requested.

Sincerely,

*Cody L. Phinney*  
Cody L. Phinney (May 6, 2020)

Cody L. Phinney, MPH  
Deputy Administrator, DHCFP

Cc: DuAne Young, Deputy Administrator, DHCFP  
Kirsten Coulombe, Chief III, LTSS Unit, DHCFP  
Ellen Frias-Wilcox, SSPSIII, LTSS Unit, DHCFP  
Briza Virgen, SSPS III, Medical Programs Unit, DHCFP






# Tribal Letter - Appendix K (05-07-20)

Final Audit Report

2020-05-06

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