

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
601 E. 12th St., Room 355
Kansas City, Missouri 64106



Medicaid and CHIP Operations Group

October 19, 2023

Cathy Betts, Medicaid Director
Department of Human Services
1390 Miller Street
Honolulu, HI 96813

RE: Home and Community Based Services for People with Intellectual and Developmental Disabilities (HI-0013.R08.07) Amendment

Dear Director Betts:

The Centers for Medicare & Medicaid Services (CMS) is approving your request to amend the HCB Services Waiver for People with Intellectual & Developmental Disabilities. The CMS Control Number for the amendment is HI-0013.R08.07. Please use this number in future correspondence relevant to this waiver action.

With this amendment, the state is implementing a rate increase for specific waiver services based on the provider rate study conducted in 2020 and increases in the Hawai'i minimum wage. The rate study proposed rate increases for the following services: Personal Assistance/Habilitation (PAB), Residential Habilitation (ResHab), Additional Residential Supports (ARS), Adult Day Health (ADH), Community Learning Service (CLS), Discovery and Career Planning (DCP), Individual Employment Supports (IES), Respite, Chore, Non-Medical Transportation (NMT), Private Duty Nursing (PDN), Training and Consultation (T&C), and Waiver Emergency Services. The state is continuing to use ARP 9817 funds to pay for these provider rate increases. Clarification was also added to several waiver services related to the provision of nursing for the purpose of developing, overseeing, training, and documenting plans for nurse delegated tasks performed during delivery. The ranges within individual supports budgets were revised to correspond with the increased service rates to ensure participants receive the same amount of authorized services. Telehealth was added to case manager re-evaluation interviews to give participants and families the choice to participate in-person or by telehealth. Service descriptions were updated to add greater flexibility and choice for participant. The process for fiscal accountability of Electronic Visit Verification (EVV) was added. Finally, other minor technical edits were made throughout the amendment to improve consistency and readability. The effective date of the amendment is November 1, 2023.

The waiver continues to be cost-neutral. The average per capita cost of waiver services estimates (Appendix J.1) have been approved.

This approval is subject to your agreement to serve no more individuals than the total number of unduplicated participants indicated in Appendix J.2 of the waiver. If the state wishes to serve more individuals or make any other alterations to this waiver, an amendment must be submitted for approval.

It is important to note that CMS approval of this waiver amendment 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, Section 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.

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.

Thank you for your cooperation during the review process. If you have any questions concerning this information, please contact me at (410) 786-7561. You may also contact Lisa Amaro-Rife at Lisa.Amaro-Rife@cms.hhs.gov or (214)767-2506.

Sincerely,

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

cc: Deanna Clark, CMCS
John Castro, CMCS
Cynthia Nanes, CMCS