



National Indian Health Board NATIONAL TRIBAL COVID-19 RESPONSE

910 Pennsylvania Avenue, SE | Washington, D.C. 20003 | 202-507-4070 | www.nihb.org

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Appendix K Medicaid Waiver Authority

Background

Appendix K is made available to states during a declared emergency to modify their Section 1915(c) home and community-based services (HCBS) waivers. 1915(c) waivers allow states to reimburse providers for support services, generally to those with disabilities that take place in a home or community-based setting. Appendix K allows states to modify their waiver to respond to the emergency by changing terms approved in the original waiver request. When an unexpected emergency arises, the Appendix K tool facilitates easy amendment of 1915(c) waivers, allowing states to be flexible in their delivery of services and ensuring continuity of care for individuals relying on home and community-based supports.

What does this usually look like?

When a state files an Appendix K, they have to tell CMS what the emergency is and why the modifications are necessary. For example, a state may seek to modify their 1915(c) waiver to respond to the 2019 novel coronavirus (COVID-19) by modifying the conditions under which a provider may receive reimbursement for HCBS. A state may also seek to allow reimbursements for alternative sites, in order to allow programs to make modifications that allow them to minimize exposure to the disease for patients. States may also seek to expand the pool of providers by modifying the qualifications required to participate in the program. In 2018 after Hurricane Florence affected mobility in the eastern part of North Carolina, the state sought to allow relatives of beneficiaries to provide reimbursable support services in the home.¹

For another example of what this may look like, we could look at Nebraska's Appendix K application, which was filed in 2019 to respond to floods that were happening around the state.² Nebraska's Appendix K application sought to allow reimbursement for services provided out of state or in alternative settings. To make it easier for individuals to use alternative sites for day services, the state also sought to lift the cap on reimbursement for transportation services.

How does a state apply for the Appendix K?

When a state files the Appendix K amendment, they have to indicate specifically what the emergency is, what areas are impacted, and what services they seek to modify. They also must specify how long the emergency will last. A state also may seek this retroactively.

¹ Their waiver application is available here:

<https://files.nc.gov/ncdma/documents/files/Appendix%20K%20NC.0423.R02.05%20Innovations.PDF>

² Available here: <http://dhhs.ne.gov/DD%20Documents/NE%204154%20Appendix%20K.pdf>



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On March 22, 2020, CMS released a COVID-19 specific toolkit to help states apply for Appendix K. It can be found [here](#).

How does this affect Tribes?

Many Tribes operate Home and Community-Based Services programs through their state-approved Section 1915(c) waivers. These Tribes would be eligible to benefit from the provisions of an Appendix K modification.

Questions?

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