



## **INFORMATIONAL LETTER NO. 2449-MC-FFS-CVD**

**DATE:** April 24, 2023

**TO:** Iowa Medicaid Home- and Community-Based Services (HCBS), Case Managers, Integrated Health Home (IHH)

**APPLIES TO:** Managed Care (MC), Fee-for-Service (FFS), Coronavirus Disease (CVD)

**FROM:** Iowa Department of Health and Human Services (HHS), Iowa Medicaid

**RE:** Public Health Emergency (PHE) HCBS Flexibilities Unwind

**EFFECTIVE:** Upon Receipt

\*\*\*This informational letter (IL) provides an update to [IL 2127-MC-FFS-CVD](#)<sup>1</sup>.\*\*\*

In March 2020, the federal PHE established flexibilities to the Medicaid program in accordance with PHE policies and benefits. With the announcement that the PHE will end on May 11, 2023, Iowa Medicaid is providing an update on the status of HCBS flexibilities for the state plan 1915(i) HCBS Habilitation program and the 1915(c) HCBS waivers. The HCBS waiver flexibilities granted during the PHE will end November 11, 2023. HHS has requested a temporary extension of the 1915(i) disaster state plan amendment (SPA) to allow most of the HCBS flexibilities for Habilitation to continue six months post-PHE to align with the HCBS waiver flexibility unwind.

The six-month period between May 11, 2023, and November 11, 2023, will allow adequate time for the unwinding of these flexibilities and a return to normal operating procedures. For HCBS Habilitation and HCBS waivers, the following flexibilities will end six months post-PHE or November 11, 2023, unless otherwise noted.

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<sup>1</sup> <https://secureapp.dhs.state.ia.us/IMPA/Information/ViewDocument.aspx?viewdocument=0277e05e-ef40-4509-ab66-6b68f91969f6>

Flexibility Category	Specific Flexibility	Program(s)	Flexibility Ends	What Does This Mean?
<b>Home Delivered Meals</b>	Provide home delivered meals, subject to prior authorization, for Medicaid enrollees who are enrolled in the 1915(i) State Plan HCBS Habilitation program and are homebound because of the PHE.	HCBS Habilitation	May 11, 2023	Home delivered meals will no longer be a covered benefit. Habilitation members should work with their case managers or care coordinators to explore alternative sources for home delivered meals as needed.*
<b>Home Delivered Meals</b>	Provide home delivered meals, subject to prior authorization, for Medicaid enrollees who are enrolled in a 1915(c) waiver, and are homebound because of the PHE when home delivered meals are not a covered benefit.	HCBS Brain Injury (BI) Waiver, Intellectual Disability (ID) Waiver, and Physical Disability (PD) Waiver	November 11, 2023	Home delivered meals will no longer be a covered benefit and BI, ID, and PD waiver members should work with case managers or care coordinators to explore alternative sources for home delivered meals as needed.

<p><b>Additional Services</b></p>	<ul style="list-style-type: none"> <li>• companion services</li> <li>• homemaker services</li> </ul> <p>Includes the alternative for companion services to replace supported community living, and consumer-directed attendant care services that are unavailable if there is a shortage of providers or providers are not able to deliver goal- directed service because of the PHE.</p>	<p>HCBS Waiver – AIDS/HIV BI, Health and Disability, ID, and PD Waiver</p>	<p>November 11, 2023</p>	<p>Senior Companion and Homemaker services will no longer be available under HCBS Waivers - AIDS/HIV BI, Health and Disability, ID, and PD Waivers. Members should begin working with their Case Manager or Care Coordinator to explore alternative sources for homemaker or companion services as needed.*</p>
<p><b>Additional Services</b></p>	<ul style="list-style-type: none"> <li>• companion services</li> <li>• homemaker services</li> </ul> <p>Includes the alternative for companion services to replace supported community living, and consumer-directed attendant care services that are unavailable if there is a shortage of providers or providers are not able to deliver goal directed service because of the PHE.</p>	<p>HCBS Habilitation</p>	<p>May 11, 2023</p>	<p>Senior companion and homemaker services will no longer be available under the Habilitation program. Members should work with case managers or care coordinators to explore alternative sources for homemaker or companion services as needed.</p>

<b>Exceed Respite Service Limitations</b>	Remove the annual cost limit for respite services on the intellectual disabilities waiver.	HCBS ID Waiver	November 11, 2023	The annual limit for ID Waiver Respite will apply. Members should begin working with case managers or care coordinators to return to pre-PHE respite service levels. The annual respite limit will apply with dates of service beginning December 1, 2023. Members will be able to access up to the annual limit for the next 12 consecutive months.*
<b>Exceed Respite Service Limitations</b>	Remove the limitation on respite provided for children while parents or primary caregivers are working <b>from home</b> to relieve pressure created by work, school, and daycare closures during the PHE.	HCBS Waiver – Children’s Mental Health (CMH), BI, HD, and ID	November 11, 2023	Parents and primary caregivers should begin working with case managers or care coordinators to secure appropriate daycare or childcare.*

<p><b>Medical Day Care for Children</b></p>	<p>CMS approved this flexibility April 7, 2023 to replace respite while the parents are working. Temporarily add this service under the BI, ID, HD, and CMHW. This service provides for the supervision and support of children residing in their family home who, because of their complex medical or complex behavioral needs, require specialized exceptional care that cannot be provided in traditional childcare settings. The service must be medically necessary and verified in writing by the child's healthcare provider and documented in the child's service plan.</p>	<p>HCBS Waiver – Children's Mental Health (CMH), BI, HD, and ID</p>	<p>November 11, 2023</p> <p>Iowa Medicaid will seek Centers for Medicare and Medicaid Services (CMS) approval for permanently adding this service to waivers.</p>	<p>If CMS approves the waiver amendments, children with complex medical or behavioral needs that require specialized exceptional care that cannot be provided in the traditional childcare settings will be able to access this service.</p>
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<b>Adult Day Care in the Home</b>	CMS approved this flexibility April 7, 2023, to replace respite while the primary caregiver is working outside the home and no other service exists to provide the support, supervision, or protective oversight needed by the member. Temporarily add adult day care to provide protective oversight and supervision for individuals in the home because of the absence of the primary caregiver.	HCBS AIDS/HIV, BI, Elderly, HD, and ID Waivers	November 11, 2023  Iowa Medicaid will seek CMS approval for permanently adding this service to waivers.	If CMS approves the waiver amendments, adults requiring a degree of supervision and assistance on a regular or intermittent basis in the home because of the absence of the primary caregiver will have access to supports including protective oversight, supervision, activities of daily living (ADLs), and instrumental activities of daily living (IADLs).
<b>HCBS Regulations</b>	Not comply with the HCBS settings requirement in 42 CFR 441.301(c)(4)(vi)(D) and 441.710 that individuals are able to have visitors of their choosing at any time, for settings added after March 17, 2014, to minimize spread of infection during the PHE.	HCBS Waivers HCBS Habilitation	November 11, 2023	Providers should begin returning to pre-PHE policy and procedures in compliance with the HCBS settings rule.

<b>HCBS Settings</b>	<ul style="list-style-type: none"> <li>• Allow HCBS to be provided in intermediate care facilities for individuals with intellectual disability (ICF/ID) or other facility setting through an exception to policy (ETP)</li> <li>• Allow HCBS to be delivered in direct care provider's homes through an ETP.</li> <li>• Allow the direct care provider to move into the member's homes.</li> <li>• Lift the limitation on 5 person homes to allow more than 5 persons in accordance with the home's capacity.</li> </ul>	HCBS Waivers HCBS Habilitation	November 11, 2023	Providers should begin returning to pre-PHE policy and procedures in compliance with the HCBS settings rule.
<b>Allow Case Management Entities to Provide Direct Services</b>	The state is responding to the PHE personnel crisis by authorizing case management entities to provide direct services. The case management entity qualifies under 42 CFR 441.301(c)(1)(vi) as the only willing and qualified entity.	HCBS Waivers	November 11, 2023	Members should work with case managers to secure qualified direct service providers.

<b>Parents of Minors, Spouses, and Family Members</b>	Allow spouses, parents of minors, and family members to provide direct services. (HCBS waiver population for supported community living, consumer-directed attendant care) This includes parents, spouses, and family members hired by an agency and/or working under Consumer Choices Option (CCO).	HCBS Waivers	November 11, 2023  Iowa Medicaid will seek CMS approval to allow spouses and parents of minors to be direct caregivers in extraordinary circumstances.	If CMS approves the waiver amendments, spouses and parents of minors will be allowed to continue to deliver services in extraordinary circumstances as defined by the state.
<b>Parents of Minors, Spouses, and Family Members</b>	Allow parents of minors, spouses, and family members to provide direct services. (HCBS Habilitation population home-based habilitation (HBH))	HCBS Habilitation	May 11, 2023	Members should work with case managers or care coordinators to secure qualified HBH service providers.



<b>Provider Recertification Process Requirements</b>	<p>Iowa Medicaid will extend the certification process due to resource capacity issues directly related to the PHE in 90-day increments through the established exception to policy (ETP) process. Iowa Medicaid will only extend certification for providers who are in good standing, do not have outstanding corrective action plans (CAPS) and/or CAPS that have not been met, and who are not under active investigation for reported noncompliance with HCBS quality standards.</p>	<p>HCBS Waivers and HCBS Habilitation</p>	<p>November 11, 2023</p>	<p>Pre-PHE HCBS certification processes as described in 441 Iowa Administrative Code 77 will apply.</p>
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<p><b>Processes</b></p>	<ul style="list-style-type: none"> <li>• Allow an extension for reassessments and reevaluations for up to one year past the due date.</li> <li>• Option to conduct evaluations, assessments, and person-centered planning (PCP) remotely in lieu of face-to-face.</li> <li>• Adjust assessment requirements.</li> <li>• Allow electronic signing off on required documents such as the person-centered service plan.</li> </ul>	<p>HCBS Habilitation HCBS Waiver</p>	<p>November 11, 2023</p>	<p>Pre-PHE operating procedures resume:</p> <ul style="list-style-type: none"> <li>• Annual reassessments must occur every 12 months.</li> <li>• PCP occurs face-to-face in a location of member's choosing.</li> <li>• Electronic signatures will continue to be appropriate when a pen and ink signature is not possible.</li> </ul>
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<p><b>Electronic Method of Service Delivery</b></p>	<p>Electronic method of service delivery (e.g., telephonic) allowing services to continue being provided remotely in the home setting for the following services:</p> <ul style="list-style-type: none"> <li>• case management</li> <li>• in-home habilitation</li> <li>• monthly monitoring</li> <li>• eligibility evaluations/reevaluations</li> <li>• independent assessments/reassessments of need</li> <li>• completion of person-centered service planning meetings</li> </ul> <p>Additionally, the state will allow telehealth services to be provided for home-based habilitation, day habilitation, and supported employment, regardless of the recipient's location, if provision of the service via telehealth is clinically feasible and appropriate.</p>	<p>HCBS Habilitation HCBS Waiver</p>	<p>November 11, 2023</p>	<p>Pre-PHE service delivery resumes unless otherwise specified by the state.</p>
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<b>Face-to-Face Processes</b>	<p>Allow processes that typically occur face-to-face to occur virtually.</p> <ul style="list-style-type: none"> <li>• level of care and needs-based eligibility</li> <li>• service plan reviews</li> <li>• intermittent service plan reviews</li> <li>• quarterly case manager/IHH face-to-face monitoring</li> </ul>	HCBS Waivers HCBS Habilitation	<p>In-person processes resumed July 1, 2021. Refer to <a href="#">IL 2244-MC-FFS-CVD</a><sup>2</sup> and <a href="#">IL 2304-MC-FFS-CVD</a><sup>3</sup>.</p>	Processes occur face-to-face unless virtual/telehealth processes are specifically requested by the member because of documented health concerns with annual documentation from a physician.
<b>Assistance with eLearning</b>	<p>Allow for supported community living (SCL) and HBH to provide for support with eLearning for members aged 17-21 living outside the family home when school occurs virtually.</p>	HCBS Waivers HCBS Habilitation	November 11, 2023	Pre-PHE policy and procedures resume.

\*HCBS Waiver CCO participants

Because of the nature of the budgeting process, CCO members will transition mid-month to pre-PHE service amounts and policies. Case managers and care coordinators should work with members and their team to make changes to the service plan and budget that will be implemented November 1, 2023.

If you have questions, please contact Iowa Medicaid Provider Services at 1-800-338-7909 or [IMEproviderservices@dhs.state.ia.us](mailto:IMEproviderservices@dhs.state.ia.us).

<sup>2</sup> <https://secureapp.dhs.state.ia.us/IMPA/Information/ViewDocument.aspx?viewdocument=0fc54458-a726-4f9e-b640-51b7b557a2e4>

<sup>3</sup> <https://secureapp.dhs.state.ia.us/IMPA/Information/ViewDocument.aspx?viewdocument=64a9b03e-983f-4d6b-8edf-030dd3a2b9aa>