

STATE OF CONNECTICUT

DEPARTMENT OF SOCIAL SERVICES

Andrea Barton Reeves, J.D.
Commissioner



Ned Lamont
Governor
Susan Bysiewicz
Lt. Governor

OFFICE OF THE COMMISSIONER

TO: Honorable Catherine Osten, Senate Co-Chair, Appropriations
Honorable Toni E. Walker, House Co-Chair, Appropriations
Honorable Joan Hartley, Senate Vice-Chair, Appropriations
Honorable Tammy Exum, House Vice-Chair, Appropriations
Honorable Corey Paris, House Vice-Chair, Appropriations
Honorable Eric Berthel, Senate Ranking Member, Appropriations
Honorable Tammy Nuccio, House Ranking Member, Appropriations

Honorable Matthew Lesser, Senate Co-Chair, Human Services
Honorable Jillian Gilchrest, House Co-Chair, Human Services
Honorable Herron Gaston, Senate Vice-Chair, Human Services
Honorable Lucy Dathan, House Vice-Chair, Human Services
Honorable Lisa Seminara, Senate Ranking Member, Human Services
Honorable Jay Case, House Ranking Member, Human Services

DATE: July 19, 2023

RE: **Amendments to the DSS Home and Community Based Services Waivers**

Dear Honorable Co-Chairs, Vice Chairs and Ranking Members of the Appropriations and Human Services Committees:

In accordance with the provisions of section 17b-8 of the Connecticut General Statutes, notice is hereby given that the Commissioner of the Department of Social Services (“DSS” or the “Department”) intends to submit amendments to the Centers for Medicare & Medicaid Services (“CMS”) for seven of the Department’s 1915(c) home and community-based services (HCBS) Medicaid waivers.

In addition to proposing certain new provisions, the Department is also proposing to transfer the temporary authority of certain previously approved Emergency Preparedness and Response Amendment (“Appendix K amendment”) provisions to permanent authorities under the aforementioned Medicaid waivers.

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Permanent authority for these previously approved Appendix K provisions is necessary because Appendix K amendments are temporary authorities and expire on November 11, 2023, six months following the expiration of the federal public health emergency related to the consequences of the Coronavirus Disease (COVID-19) pandemic. In addition, the existing temporary authority in the Appendix K amendments must be transferred to permanent authority to ensure the Department's ability to execute the state's approved Spending Plan for Implementation of the American Rescue Plan Act of 2021, Section 9817, as updated (ARPA HCBS Spending Plan) throughout the ARPA period, which concludes in March 2025.

The following is a summary of the proposed changes, as more fully described in the amendments to each waiver.

I. The Department is proposing to transfer its authority, which currently exists only under the temporary Appendix K amendment provisions, to the base waivers in order to continue previously approved rate increases and supplemental payments to enhance, expand, and/or strengthen HCBS. These previously approved rate increases and supplemental payments are implemented in accordance with the state's ARPA HCBS Spending Plan, and apply to providers of certain services in the following 1915(c) HCBS Medicaid waivers:

- Home and Community Based Services Waiver for Elders
- Personal Care Assistance Waiver
- Acquired Brain Injury Waiver
- Acquired Brain Injury Waiver II
- Home and Community Supports Waiver for Persons with Autism
- Mental Health Waiver
- Katie Beckett Waiver

II. The Department is proposing to transfer its authority, from expiring temporary Appendix K authority to permanent authority in the base waivers, for the modification of certain services in the following 1915(c) HCBS Medicaid waivers:

- Home and Community Based Services Waiver for Elders
- Personal Care Assistance Waiver
- Acquired Brain Injury Waiver
- Acquired Brain Injury Waiver II
- Home and Community Supports Waiver for Persons with Autism

These previously approved (with the exception of Remote Services in E. below) service changes, include the following:

A. Expanding the definition of assistive technology to reference remote equipment and associated requirements for internet access.

B. Addition of a new service titled “Training and Counseling Services for Unpaid Caregivers Supporting Participants” for all waivers referenced above.

C. Addition of a new service titled “Participant Training and Engagement to Support Goal Attainment and Independence.” This service implements services to the member utilizing the Community Aging in Place, Advancing Better Living for Elders (CAPABLE) program model.

D. Amending the definition of “Environmental Adaptations” service and adding it as a new service where applicable.

E. Addition of Remote Support as a new service (Request for temporary Appendix K authority is still under final review by CMS).

III. The Department is proposing to modify its authority, from expiring temporary Appendix K authority to permanent authority in the base waivers, as follows:

A. For the ABI and ABI II waivers, the Department is proposing to modify its expiring temporary authority from allowing virtual assessments and reassessments into permanent authority to allow such virtual assessments and reassessments, when clinically appropriate and with consent of the participant, in instances of: contagious illness, or recovery from such illness; exacerbation of a chronic condition; or inclement weather.

B. For the Home and Community Based Services Waiver for Elders, the Department is proposing to modify its expiring temporary authority that permits:

1. Mental health counseling to be provided virtually or telephonically into permanent authority to provide such counseling virtually, but not telephonically.
2. Adult day programs to provide virtual services via video communication, including virtual assessments, and at least two meals per day, into permanent authority to allow Remote Services (virtual support) when a client is unable to attend the center in person. The absence may be due to symptoms of contagious illness; injury, illness or recovery from such; exacerbation of a chronic condition; or inclement weather. The adult day center must, at a minimum, provide a documented wellness call, and delivery of two meals per day.

IV. The Department is proposing the following new amendments to certain HCBS waivers:

A. Amending the PCA waiver to add Meals on Wheels as a covered service.

B. Amending the ABI and ABI II waivers to add Licensed Clinical Social Worker (LCSW) as an approved provider type under the Cognitive Behavioral Programs service.

C. In consultation with the Department of Mental Health and Addiction Services (DMHAS), amending the Mental Health waiver as follows:

1. Adding residential care homes (RCHs) as an approved setting;
 2. Adding Licensed Master Social Worker (LMSW), Licensed Professional Counselor Associate (LPCA) and Licensed Marriage and Family Therapist (LMFT) as authorized provider types under Mental Health Counseling; and
 3. Waiving the face-to-face requirement for Community Support Program, Recovery Assistant, Peer Supports, and Mental Health Counseling services in situations where it is temporarily unsafe to enter the home (i.e., contagious illness, infestation, etc.).
- D. Amending all waivers to update the description of how residential and non-residential settings in the waivers comply with federal home and community-based settings requirements, in accordance with guidance from CMS.

Pursuant to C.G.S. § 17b-8, a Notice of Intent (NOI) for public review and comment on the various amendments in the DSS Medicaid waivers was posted on the department's¹ website and published in the Connecticut Law Journal, beginning June 13, 2023, for a period of 30 days.

In addition to this letter, attached for your review is a copy of the NOI and the DSS Medicaid waivers. There were no public comments received in response to the NOI.

Thank you for your review and consideration.

Sincerely,



Andrea Barton Reeves, DSS Commissioner

cc:

William Halsey, Deputy Medicaid Director
Amy Dumont, Community Options, DSS
Michael Slitt, Staff Attorney, DSS

¹ The NOI and a copy of the proposed Mental Health Waiver were also posted on DMHAS' websites. DMHAS administers the Mental Health Waiver on behalf of the Department.

