

## Public Notice

### **Public Comment Period for Amendment of the 1915 (c) Home and Community Based Services (HCBS) AIDS/HIV, Brain Injury (BI), Health and Disability (HD), Intellectual Disability (ID) and Physical Disability (PD) Waivers**

**Issued August 1, 2023**

Pursuant to the authority of Iowa Code Section 249A.4, the Iowa Department of Health and Human Services (HHS) intends to amend the Home and Community Based services (HCBS) AIDS/HIV, Brain Injury (BI), Health and Disability (HD), Intellectual Disability (ID) and Physical Disability (PD) Waivers. This notice provides details about the waiver amendments and serves to open the 30-day public comment period which closes on July 31, 2023.

#### **Summary**

The Centers for Medicare and Medicaid Services (CMS) authorizes 1915(c) HCBS Waivers. The amendments being made to the AIDS/HIV, Brain Injury (BI), Health and Disability (HD), Intellectual Disability (ID) and Physical Disability (PD) Waivers includes the following:

- Making technical corrections to change Iowa Medicaid Enterprise to Iowa Medicaid and Department of Human Services (DHS) to Department of Health and Human Services
- Permanently adopt COVID-19 PHE flexibilities
  - Allow the parent of a minor or spouse to be the paid caregiver for SCL, Individual Consumer Directed Attendant Care and Consumer Choice Option (CCO) in extraordinary circumstances.
  - Allow some services to be delivered via telehealth.
  - Medical Day Care for Children. This new 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 served in the traditional childcare settings.
  - Adult Day Care has been newly expanded to be delivered in the member's home to persons who need a degree of supervision and assistance on regular or intermittent basis in the home due to the absence of the primary caregiver. Supports provided during day care would be protective oversight, supervision, Activities of Daily Living (ADLs) and Independent Activities of Daily Living (IADLs). Included are personal cares (i.e.: ambulation, toileting, feeding, medications), behavioral support, or intermittent health-related cares, not otherwise paid under other waiver or state plan programs.
  - Electronic signatures will continue to be appropriate when a pen and ink signature is not possible.
- Add Remote Supports and Host Home guidelines to the SCL service description.
- Add Enabling Technology to support the implementation of Remote Support

- Remove the limitation that prevents the immediate family member from being a direct support professional (DSP).
- Allow the spouse or the parent of a minor to be the IMMT providers, allow usual caregiver to also provide IMMT.
- Remove the age limitation on IMMT.
- Add a Priority Needs Assessment process for HD and PD Waiver waitlists and amend the current process under the ID and BI waivers.
- Added Exception to Policy (ETP) language under services that allow for ETPs to be requested.
- Added Telehealth as a service delivery option for services where it is allowed.
- Update the definition of major and minor incidents.
- Performance Measures
  - All QIS Sections updated PMs to remove introductory language and only start with “Number and Percent”
  - All QIS Sections with less than 100% sampling: updated the confidence interval text box to read as: “95% confidence level with +/- 5% margin of error”.
  - All QIS Sections reviewed and updated as needed to ensure they meet the standard and that the PM, Numerator, and Denominator all align.
  - Added new health and welfare performance measures related to emergency room visits and primary care physician visits and updated existing measures.
  - Updated the Financial Integrity performance measures.

The tentative effective date for these amendments is November 1, 2023

**Fiscal Impact:**

The fiscal impact is related to implementation of the Enabling Technology service and is minimal during SFY2024 and SFY2025. It is anticipated that a cost savings will be realized in SFY2025 as participants begin to utilize enabling technology with remote support.

Waiver Program	Total Annual Projected Cost SFY 24	State Share SFY 24	Fed Share SFY 24	Total Annual Projected Cost SFY 25	State Share SFY 25	Fed Share SFY 25
ID Waiver	\$772,627	<b>\$268,239</b>	\$492,976	\$772,627	<b>\$268,239</b>	\$492,976
BI Waiver	\$27,668	<b>\$10,277</b>	\$18,887	\$27,668	<b>\$10,277</b>	\$18,887
Total Fiscal Impact	\$800,295	<b>\$278,516</b>	\$511,863	\$800,295	<b>\$278,516</b>	\$511,863

**Public Review and Comments**

A copy of the waiver amendments and this public notice are available at the following link: <https://hhs.iowa.gov/public-notices>. To reach all stakeholders, non-electronic copies will be made available for review at the HHS Field Offices.

Written comments concerning this notice, or the proposed amendments, may be addressed to LeAnn Moskowitz, LTSS Policy Specialist, Iowa Department of Health and Human Services, Iowa Medicaid, 1305 East Walnut, Des Moines, Iowa 50309 or via email at [lmoskow@dhs.state.ia.us](mailto:lmoskow@dhs.state.ia.us).

Please indicate HCBS Waiver Amendments in the subject line of the email. All comments must be received by: August 31, 2023, at 4:30 p.m.

**Submitted by:**

**Elizabeth Matney,**

**Medicaid Director**

**Iowa Department of Human Services**

**Iowa Medicaid**