

Appendix K and Executive Orders Flexibilities: updated December 6, 2021

Appendix K may be used by states during emergency situations to request amendments to approved Home and Community Based waivers. The tables below categorize the Appendix K flexibilities based on their termination date, where applicable, and by authority source. Flexibilities noted with an (*) will have some service-level exceptions through DDA’s Waiver Amendment #3 or via recently revised DDA processes post Appendix K termination. These exceptions are detailed in the No Termination/Retained Permanently table.

**All text in red indicates added/revised language since the prior release date*

TERMINATION: 8/15/21 (end of the MD State of Emergency)
Authority: Appendix K
Nursing training received from the DDA
Hiring of spouses and parents of minor children*

TERMINATION: 8/15/2021 (end of Governor’s Health Care Matters Executive Order)
Authority: Appendix K
Exception to Maryland professional licenses (temporarily waiving certain licensure requirements)

Rescind/Suspend to Unwind: 8/15/21 (COVID exposure/outbreak flexibilities)*
Authority: Appendix K
Self-direction: Personal Protective Equipment (PPE) reimbursement
Alternative service sites
Out-of-state setting

TERMINATION: 10/14/2021 (60 days after the end of the MD State of Emergency)
Authority: Appendix K
Site capacity (exceed maximum)

TERMINATION: 11/13/2021 (90 days after the end of the MD State of Emergency)
Authority: Appendix K
Training requirements: Annual training requirement extension for DSP who have previously completed all training requirements
Training requirements: CPR and First Aid
Training requirements: MTTP/Medication Technician Training
Training requirements: Training in MANDT

Termination: 12/31/2021 (end of the federal PHE)

Authority: Appendix K/Emergency Regulations

Telephonic/Remote services: Behavioral Support Services (BSS)*

Telephonic/Remote services: Case Management (CCS)

Telephonic/Remote services: Nursing Services

Staffing ratios (exceed maximum)

Staffing ratios -- 1:1 and 2:1 exceptions

Abbreviated criminal background check

Training requirements: waive all but essential training

Training requirements: PORII training provided in an expedited format

Training requirements: sharing staff among providers

Services provided any day of the week and exceed 8 hours a day and 40 hours per week within person's authorized budget

Employment/Supported Employment/CDS/Day Hab/BSS/Family and Peer Mentoring/Personal Supports/Respite can take place in a variety of settings, instead of the community, including but not limited to the participant's home; family and friend's homes; residential settings; or other community settings.

Waiver of high school or GED requirement*

Behavioral Support Services – no pre-authorization required during PHE*

Nursing Services – no pre-authorization required during PHE*

Respite Services – no pre-authorization required during PHE*

Legal guardians and relatives may be paid for greater than 40-hours per week*

Exceed 82 hours per week within the authorized budget for personal supports*

Exceed current DDA authorization within person's overall authorized funding budget for personal supports*

Individuals 16 years or older can be direct support*

Hire relatives and legally responsible individuals*

Meaningful day, personal supports and residential retainer payments*

Acute care hospital & short-term institutional stay supports*

Personal care assistance can comprise the entirety of the following services: employment, supported employment, CDS, personal supports and day habilitation

Added 10/4/21 -- Training requirements: waived for family members willing to provide services to participants

Added 10/4/21 -- Increased rate (isolation)

TERMINATION: 3/31/2022

Authority: Appendix K

Residential day time shared service hours*

No Termination/ Retained Permanently

Authority: Waiver Amendment #3 and/or Senate Bill #3 and Regulations

Telephonic/Remote Services: Community Development

Telephonic/Remote Services: Day Habilitation

Telephonic/Remote Services: Employment Services (includes Employment Discovery/Customization)

Telephonic/Remote Services: Personal Supports

Telephonic/Remote Services: Supported Employment

Telephonic/Remote Services: Behavioral Support Services (BSS) with the exception of brief support implementation services that must be provided onsite/in person

Acute care hospital stay supports

Waiver of high school or GED requirement: respite and day hab

Behavioral Support Services – services can be requested via emergency revised PCP process

Nursing services – services can be requested via emergency revised PCP process

Respite services – services can be requested via emergency revised PCP process

Legal guardians and relatives may be paid for greater than 40-hours per week with approval from the DDA

Exceed 82 hours per week within the authorized budget for personal supports with preauthorization from the DDA

Exceed current DDA authorization within person's overall authorized funding budget for personal supports with authorization from the DDA using budget modification or revised PCP/budget sheet to move funding

Individuals 16 years or older can be direct support: respite

Hire relatives and legally responsible individuals for select services and/or in situations of extraordinary care

Retainer payment for residential services only

Residential day time shared service hours -- use of dedicated supports