

Appendix K Page Number	Appendix K Area	Section	Applicable Waiver	Flexibility	End Date	Additional Information	Takeaway
3	a.	Access and Eligibility	IHS	The IHS Waiver cap of \$30,000 can be increased to allow for additional Respite, enhanced personal care and Assistive Technology.		The IHS waiver renewal memorialized this flexibility by allowing for the IHS waiver cap to increase to \$35,000.	Continued
4	b.ii	Service Limits	IHS	The respite cap of 15% of the total IHS budget will be removed even if it is outside of the participant's approved budget or if the participant has already met the annual cap outlined in the service .	12/31/2020	This flexibility ended upon renewal of the IHS Waiver. The IHS waiver renewal increased this cap to 20%. Additionally, the waiver allows for a process to exceed the cap on a case-by-case basis.	Ended 12/30/2020
4	b.ii	Service Limits	ABD and DD	The respite cap of 15% of the total Participant Directed and Managed Services (PDMS) budget will be removed to allow a participant's family additional flexibility in obtaining supports to care for their family member.	8/31/2021 (DD) 10/31/2021 (ABD)	This flexibility ended upon renewal of the DD and ABD Waivers. The DD and ABD Waiver renewals increased this cap to 20%. Additionally, the waivers allow for a process to exceed the cap on a case-by-case basis.	Ended 8/31/2021 (DD) Ended 10/31/2021 (ABD)
4	b.ii	Service Limits	ABD, DD and IHS	Respite services may be provided in a setting necessary to ensure the health and safety of participants.	11/11/2023	This flexibility will end following the unwind of the PHE and all respite services shall be provided in accordance with He-M 513 and any other applicable rule provisions.	Sunsets on 11/11/2023
4	b.ii	Service Limits	ABD, DD and IHS	The assistive technology cap of \$1,500.00 can be removed if a participant requires assistive technology equipment to assist with electronic monitoring or door alarms, or other devices, for oversight in regards to social distancing.	11/11/2023	This flexibility will end following the unwind of the PHE and all services shall follow the limits and exceptions processes in the approved waivers and applicable rules. Additionally, the waiver allows for a process to exceed the cap on a case-by-case basis.	Sunsets on 11/11/2023
4	b.ii	Service Limits	ABD and DD	Required staffing ratios for a participant, as outlined in their Individual Service Agreement (ISA), may be modified to allow the participant to receive services in safe and accessible environments, as long as the participant's needs are still being met and guardian approval is documented.	11/11/2023	This flexibility will end following the unwind of the PHE and staffing and supervision support needs shall be provided in accordance with assessed needs and as outlined in an individual's service agreement.	Sunsets on 11/11/2023

4	b.ii	Service Limits	ABD and DD	Suspending requirements for allowing visitors for certified and licensed residential settings, (providers may prohibit/restrict visitation in-line with CDC recommendations for long term care facilities). The modification of this right is not required to be justified in the individual plan.	6/2021	Ended with the New Hampshire Public Health Emergency for certified/licensed home and community-based services settings.	Ended 6/2021
4	b.ii	Service Limits	ABD and DD	To allow for flexibility in the types of activities may be billed as CPS, home based activities, to include caring for the individual when s/he is sick and in recovery are allowed to be billed under CPS.		This has been incorporated into the initial proposal of He-M 507	Continued
6	b.iv	Service Settings	IHS	Consultation services may be provided using remote/telephonic support when this type of support meets the health and safety needs of the participant.	12/31/2020	This flexibility ended upon renewal of the IHS Waiver. The IHS waiver renewal memorialized the allowance of Consultation services to be provided via a remote method of service delivery.	Continued
6	b.v	Out of State	DD and ABD	If the only temporary, safe, and accessible setting for a participant is outside of New Hampshire, the participant may receive HCBS waiver services in another state, until it is safe to return to their home. The services provided in another state must still be provided in accordance with the waiver service definition.		This flexibility was memorialized in the waivers via amendment in April of 2022.	Continued

				<p>Residential Habilitation, Community Participation Services (CPS), Community Support Services (CSS), Participant Directed and Managed Services (PDMS) and Supported Employment Services (SEP) may be rendered by relatives or legally responsible individuals when they have been hired by the service provider agency authorized on the Individual Service</p>	<p>Residential Habilitation ABD Waiver - The ability for a legally responsible individual (parent of a child under 18 or a spouse) to provide residential habilitation services is permissible in accordance with the ABD Waiver. Relatives (those who are not considered legally responsible individuals) have been permitted to provide this waiver service in accordance with the ABD Waiver.</p> <p>DD Waiver - The ability for a legally responsible individual (parent of a child under 18 or a spouse) to provide Residential Habilitation will sunset on 11/11/2023. Relatives (those who are not considered legally responsible individuals) have been permitted to provide Residential Habilitation in accordance with the DD Waiver.</p> <p>Community Participation Services (CPS) ABD Waiver- The ability for a legally responsible individual (parent of a child under 18 or a spouse) to provide CPS will sunset on 11/11/2023. Relatives (those who are not considered legally responsible individuals) have been permitted to provide CPS in accordance with the ABD Waiver.</p> <p>DD Waiver- The ability for a legally responsible individual (parent of a child under 18 or a spouse) to provide CPS will sunset on 11/11/2023. Relatives (those who are not considered legally responsible individuals) are permitted to provide this waiver service in accordance with the DD Waiver. The ability for guardians to provide services was memorialized in the DD waiver renewal on 9/1/2021.</p> <p>Community Support Services (CSS) ABD Waiver - The ability for legally responsible individuals (parent of a child under 18 or a spouse) to provide CSS will sunset on 11/11/2023. Relatives (those who are not considered legally responsible individuals) are permitted to provide CSS in accordance with the ABD Waiver.</p> <p>DD Waiver - The ability for legally responsible individuals (parent of a child under 18 or a spouse) to provide CSS will sunset on 11/11/2023. Relatives (those who are not considered legally responsible</p>
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7	c.	Service Settings	ABD and DD	<p>provide CSS will sunset on 11/11/2023. Relatives (those who are not considered legally responsible individuals) are permitted to provide CSS in accordance with the DD Waiver.</p> <p>Supported Employment Services (SEP) ABD Waiver - The ability for legally responsible individuals (parent of a child under 18 or a spouse) to provide SEP will sunset on 11/11/2023. Relatives (those who are not considered legally responsible individuals) are permitted to provide SEP in accordance with the ABD Waiver.</p> <p>DD Waiver - The ability for legally responsible individuals (parent of a child under 18 or a spouse) to provide SEP will sunset on 11/11/2023. Relatives (those who are not considered legally responsible individuals) are permitted to provide SEP in accordance with the DD Waiver.</p>			<p>Sunset on 11/11/2023 except where currently allowed.</p>
8	d. i	Provider Requirements	ABD, DD and IHS	<p>If the prospective staff has a background check on file with a different organization, which includes a criminal record check, driver's record check and Bureau of Elderly and Adult Services registry check, it may be transferrable to another agency regardless of how long ago it was conducted.</p> <p>The agency must still submit a request for the required background checks prior to hiring and in the meantime a 90 day extension will be granted to obtain these documents and have them on file for all new staff.</p>	11/11/2023	<p>This flexibility will end following the unwind of the PHE and all background checks shall be completed in accordance with the applicable administrative rules.</p>	<p>Sunset on 11/11/2023</p>

8	d. i	Provider Requirements	ABD, DD and IHS	<p>If the prospective staff is new and does not have a driver's or criminal record on file, the agency must obtain a self-attestation from the applicant that the applicant meets the requirements outlined in rules relative to background checks.</p> <p>The agency must still submit a request for the required background checks prior to hiring and in the meantime a 90 day extension will be granted to obtain these documents and have them on file for all new staff.</p>		<p>This has been incorporated into He-M 504 and will continue for criminal records checks and DCYF checks.</p>	Continued
8	d. i	Provider Requirements	ABD, DD and IHS	<p>Non-individual specific provider training requirements outlined in rules will be extended from 60 to 90 days.</p>	11/11/2023	<p>This flexibility will end and all training shall be completed as outlined in He-M 504, He-M 506 and any other applicable rule provisions.</p>	Sunsets on 11/11/2023
8	d. i	Provider Requirements	ABD, DD and IHS	<p>Staff Training is transferrable between agencies</p>	11/11/2023	<p>This flexibility will end and all training shall be completed as outlined in He-M 504, He-M 506 and any other applicable rule provisions.</p>	Sunsets on 11/11/2023
8	d. i	Provider Requirements	ABD, DD and IHS	<p>To allow for the transfer and onboarding of new staff to replace those who are sick, the requirement for "An Overview of Developmental Disabilities or Acquired Brain Disorder, or both, as appropriate, including the local and state service delivery system" prior to delivering services to an individual is waived for up to 60 days of hire. This is a waiver of He-M 1001.04 (c) 4, which indicates that this training must be provided prior to providing support to an individual.</p>	11/11/2023	<p>This flexibility will end and all training shall be completed as outlined in He-M 504, He-M 506 and any other applicable rule provisions.</p>	Sunsets on 11/11/2023
8	d. i	Provider Requirements		<p>TB testing requirements will be suspended for up to 60 days to reduce the burden on the healthcare system and reduce exposure of new employees to environments where sick people are present.</p>	11/11/2023	<p>This flexibility will end and all staff qualifications requirements shall be completed as outlined in He-M 504, He-M 506 and any other applicable rule provisions.</p>	Sunsets on 11/11/2023

8	d. i	Provider Requirements	ABD, DD and IHS	Allow for existing med-trained staff to continue to administer medications for up to 90 days, when their re-certification has lapsed with documented nursing approval.	11/11/2023	This flexibility will end and all medication administration training shall be completed as outlined in He-M 1201 any other applicable rule provisions.	Sunsets on 11/11/2023
11	e	Level of Care	ABD, DD and IHS	Level of Care (LOC) re-evaluation can be extended from 365 days of the initial evaluation and subsequent anniversary dates to 24 months from initial evaluations and subsequent anniversary dates.	11/11/2023	This flexibility will end and all level of care reevaluations shall be completed not less than every 12 months.	Sunsets on 11/11/2023
11	e	Level of Care	ABD, DD and IHS	Annual assessments (health risk screening tool (HRST) / other required documentation) may be postponed up to one year and services will continue on a case by case basis when conditions do not allow a waiver participant, their representative, or critical staff to participate in a renewal due to illness or quarantine to allow sufficient time for the service coordinator to complete the annual renewal paperwork.	11/11/2023	This flexibility will end and the HRST shall be completed not less than every 12 months.	Sunsets on 11/11/2023

11	e	Level of Care	ABD, DD and IHS	<p>For service agreements that are expiring and currently meeting an affected waiver participant's needs, but a new person centered service plan is unable to be developed due to ongoing COVID-19 impacts, the time limit to approve the plan may be extended when monthly remote or telephonic monitoring is provided to ensure the plan continues to meet the participant's needs.</p> <p>Should the development and implementation of the service agreement/plan of care be extended, the current service agreement/plan of care will remain in effect. The service coordinator/case manager will document the contact with the participant, guardian, and team to discuss the extension, as well as the projected date in which the service agreement/plan of care will be able to be completed.</p>		<p>Service agreement extensions have historically been permitted via amendment, as needed. More prescriptive language regarding extensions, as well as a tacit approval process for amendments has been proposed in He-M 503, which is currently moving through the rule-making process.</p>	Continued
11	e	Level of Care	ABD, DD and IHS	Waive Support Intensity Scale Assessments (SIS)/reassessment during the NH State of Emergency.	June 2021	This allowance ended with the end of the NH State Public Health Emergency.	Ended 6/2021
11	f.	Payment Rates	ABD, DD and IHS	<p>To respond effectively to the COVID-19 outbreak, the state requires flexibility to adjust providers' rates to ensure that sufficient providers are available for clients. The state may reimburse providers with an additional add on COVID-19 rate. This applies to all select services available under the approved waivers on a case by case basis when increased rate is required to maintain paid staff due to risk factors associated with COVID-19.</p>	2022	<p>This allowance was operationalized through the Recruitment, Retention and Training Program using American Rescue Plan Act funding, as outlined in section m. below.</p>	Ended 2022 Upon distribution of funds

12	g.	ISA Development	ABD, DD and IHS	Service coordination/case management planning may also be conducted remotely through telephonic support or with other remote service access technology if the parties are able.	12/31/2020 (IHS) 8/31/2021 (DD) 10/31/2021 (ABD)	This flexibility ended upon renewal of the IHS, DD and ABD Waivers. The waiver renewals memorialized the ability to provide Service Coordination remotely for all functions except home visits.	Continued
13	h.	Incident Reporting	ABD, DD and IHS	The Bureau of Developmental Services will track all positive COVID-19 results for waiver participants as reported by Area Agencies.	2022	Tracking of COVID-19 ended in 2022	Ended
13	h.	Incident Reporting	ABD, DD and IHS	COVID-19 related deaths are considered "unanticipated deaths" for the purpose of sentinel event reporting for individuals receiving DHHS funded services captured in the Sentinel Event Reporting Policy PO.1003. On the sentinel event reporting form, for those events that are believed to be COVID-19 related, in Section III, Sentinel Event Details, #13a, please start the description with a header of "COVID-19 Related".	11/11/2023	This flexibility will sunset on 11/11/2023 and unanticipated deaths shall be reported in accordance with the Bureau of Program Quality's Sentinel Event Reporting Policy, PO.1003.	Sunsets on 11/11/23
13	h.	Incident Reporting	ABD, DD and IHS	During this COVID-19 pandemic, Bureau of Program Quality (BPQ) is waiving the 72-hour written notification requirement and instituting a 7-calendar day timeframe for the completion and uploading of the Sentinel Event Reporting Form. The 24-hour verbal notification to the appropriate DHHS Bureau Administrator or designee remains in effect.	11/11/2023	This flexibility will sunset on 11/11/2023 and reporting of sentinel events shall be done in accordance with the Bureau of Program Quality's Sentinel Event Reporting Policy, PO.1003.	Sunsets on 11/11/23
13	h.	Medication Management	ABD, DD and IHS	A remote / electronic option for medication administration certification will be made available to provider agencies.		This flexibility will continue	Continued

13	i.	Services in acute care hospital	ABD, DD and IHS	<p>Participants that require hospitalization may receive temporary HCBS waiver services in a hospital setting where the participant requires these services for communication, behavioral stabilization and/or intensive personal care support needs. HCBS services may be delivered in an acute care hospital if:</p> <ol style="list-style-type: none"> 1) They are part of a plan of care; 2) They meet needs of the individual that are not addressed by hospital services; 3) They do not substitute services that the hospital is required to provide; and 4) They are designed to provide smooth transitions to home and community-based settings and to preserve functionality. 	<p>Ended 12/31/2020 (IHS) 8/31/2021 (DD) 10/31/2021 (ABD)</p>	<p>This flexibility ended upon renewal of the IHS, DD and ABD Waivers. The waiver renewals memorialized the ability to provider certain services in an acute hospital.</p>	Continued
				<p>Operational Steps to implement the flexibilities in Appendix K, section f. New Hampshire (NH) operationalizes the allocation of authorized funds under section 9817 of the American Rescue Plan Act of 2021 (ARP) for additional payments to providers via the New Hampshire Home and Community Based Services (HCBS) Recruitment, Retention & Training Payment Program (RRTPP).</p> <p>Provider payments are based on a uniform add-on payment per service unit for:</p> <p>DD Waiver:</p>			

<p>See Appendix K versions approved on 1/13/2022 (page 8), 5/12/2022 (page 7) and 8/11/2022 (page 4)</p>	<p>m.</p>	<p>Other Changes for Billing</p>	<p>ABD, DD and IHS</p>	<p>DD Waiver: 1. H2015 - Community Support Services; 2. H2023 - Supported Employment; 3. T1020 - Residential Habilitation; 4. T2021 - Day Habilitation/CPS; and 5. T2022 – Service Coordination ABD Waiver: 1. H2015 - Community Support Services; 2. H2023 - Supported Employment; 3. T1020 - Residential Habilitation; 4. T2021 - Day Habilitation/CPS; and 5. T2022 – Service Coordination IHS Waiver: 1. T2025 - In Home Residential Habilitation; and 2. T2025 SE UC U3 - Service Coordination</p>	<p>2022</p>	<p>This ended in 2022 upon distribution of the RRTP funds</p>	<p>Ended 2022 Upon distribution of funds</p>
<p>15</p>	<p>1</p>	<p>HCBS Regulations</p>	<p>ABD, DD and IHS</p>	<p>Not comply with the HCBS settings requirement at 42 CFR 441.301(c)(4)(vi)(D) that individuals are able to have visitors of their choosing at any time, for settings added after March 17, 2014, to minimize the spread of infection during the COVID-19 pandemic.</p>	<p>Ended 6/2021</p>	<p>Ended with NH State Public Health Emergency for certified/licensed home and community-based services settings.</p>	<p>Ended 6/2021</p>

15	2	Services	ABD, DD and IHS	<p>Add an electronic method of service delivery (e.g., telephonic) allowing services to continue to be provided remotely in the home setting for: Service Coordination Personal Care Services/Residential Habilitation Community Participation Services Community Support Services Supported Employment Participant Directed and Managed Services Monthly Monitoring</p>	<p>Ended 12/31/2020 (IHS) 8/31/2021 (DD) and 10/31/2021 (ABD)</p>	<p>This flexibility ended upon renewal of the IHS, DD and ABD Waivers. The ability for certain services to be provided remotely, was memorialized in the 2021 ABD, DD and IHS waiver renewals, s as defined therein.</p>	Continued
16	3	Conflict of Interest	ABD, DD and IHS	<p>The state is responding to the COVID-19 pandemic personnel crisis by authorizing case management entities to provide direct services. Therefore, the case management entity qualifies under 42 CFR 441.301(c)(1)(vi) as the only willing and qualified entity.</p> <p>Current safeguards authorized in the approved waiver will apply to these entities.</p>	11/11/2023	<p>This flexibility will sunset on 11/11/2023, at which time, all services shall be from conflict.</p>	Sunsets on 11/11/2023
15	5	Process	ABD, DD and IHS	<p>Adjust prior approval/authorization elements approved in waiver.</p>	11/11/2023	<p>This flexibility will sunset on 11/11/2023. Prior service authorizations shall be valid for no more than 12 months.</p>	Sunsets on 11/11/2023
5 and 93	b. ii	Service Limits	CFI	<p>The respite cap of 30 days will be increased to 90 days</p>	11/11/2023	<p>This flexibility will sunset on 11/11/2023 for new authorizations. This flexibility will end following the unwind of the PHE and all respite services shall be provided in accordance with He-E 801 and any other applicable rule provisions. Authorizations that have already been entered prior to 11/11/23 can still bill up to 90 day respite authorization, until the authorization expires after one year.</p>	Sunsets on 11/11/2023
5 and 99	b.ii	Service Limits	CFI	<p>The limit for Community Transition Service may be increased, not to exceed a \$2500.00 upper limit, as needed. Community Transition Services are not being used to set up temporary isolation residences.</p>	11/11/2023	<p>This flexibility will sunset on 11/11/2023. The CFI waiver renewal increased the amount for this service to \$3000.00 effective 07/01/2022. An individual may be able to exceed this cap on a case by case basis with the prior approval of BEAS. A prior authorization for the amount requested above the service limit cap must include supporting documentation, identify need, and correlate to the person centered comprehensive care plan.</p>	Continued by being improved in waiver renewal effective 07/01/2022

10 and 101	d.iii	Provider Requirements	CFI	Adult Family Care: The certification requirement that indicates that the maximum number of individuals served in a service location (licensed or certified) may be exceeded to address staffing shortages or accommodate use of other sites as quarantine sites.	11/11/2023	This flexibility will sunset on 11/11/2023. All Adult Family Care shall be provided under the guidelines in He - 801.13 and according to the relevant certification or licensure; certified in accordance with RSA 151 and He-P 813; or b. Not required to be licensed pursuant to RSA 151:2, II(b); and (2) When the services are organized and managed by an adult family care oversight agency, as defined in He-P 813.03(z),	Sunsets on 11/11/2023
10 and 104	d.iii	Provider Requirements	CFI	Adult Family Care: Minimum staffing ratios required by license or certification, service definition and individual plan may be exceeded due to staffing shortages.	11/11/2023	This flexibility will sunset on 11/11/2023	Sunsets on 11/11/2023
10 and 104	d.iii	Service Limits	CFI	Allow Personal Emergency Response services to be provided in Adult Family Care Settings	11/11/2023	This flexibility will sunset 11/11/2023. This restriction was removed in the He-E 801. The new rule citation for Personal Emergency Response is at He-E 801.25	Sunsets on 11/11/2023
5	b. ii	Service Limits	CFI	Allow Personal Emergency Response Services to be provided in Residential settings	11/11/2023	This flexibility will sunset 11/11/2023. There is a restriction in He - E 801.25 (b)PERS shall not be covered separately when provided to a participant receiving residential care services. This could be waived pursuant to He-E 801.37	Sunsets on 11/11/2023
5	b.ii	Service Limits	CFI	Specialized Medical Equipment (SME) cap may be raised as needed according to state guidance. The current cap is \$15,000.00 within 5 years. If needed, waive the prior authorization requirement for SME	11/11/2023	This flexibility will sunset 11/11/2023. The service cap was removed with the waiver renewal that went into effect 07/01/2022	Sunsets 11/11/2023 Cap removed 07/01/2022
5	b.ii	Service Limits	CFI	Environmental Modification (Emod) cap may be raised as needed according to state guidance. The current cap is \$15,000.00 within 5 years. If needed, waive the prior authorization requirement for Emod	11/11/2023	This flexibility will sunset 11/11/2023. The service cap was removed with the waiver renewal that went into effect 07/01/2022	Sunsets 11/11/2023 Cap removed 07/01/2022
5 and 106	b.ii	Service Limits	CFI	Allow Personal Care provider services to be provided in settings where Supportive Housing is delivered.	11/11/2023	This will sunset 11/11/2023. This flexibility was incorporated into the CFI waiver that went into effect 07/01/2022 removing the prohibition from providing additional personal care in conjunction with supportive housing services.	Sunsets 11/11/2023 Cap removed 07/01/2022
6 and 101	b. iv	Service Limits	CFI	Homemaker Services may be allowed in Adult Family Care settings	11/11/2023	This flexibility will sunset 11/11/2023	Sunsets on 11/11/2023
8	d.i	Provider Requirements	CFI	Provider training requirements outlined in He-E 801 will be extended from 60 to 90 days.	11/11/2023	This flexibility will sunset 11/11/2023.	Sunsets on 11/11/2023

11	e.	Level of Care	CFI	Level of Care (LOC) re-evaluation can be extended from 365 days of the initial evaluation and subsequent anniversary dates to 24 months from initial evaluations and subsequent anniversary dates	11/11/2023	This flexibility will sunset 11/11/2023	Sunsets on 11/11/2023
12	g.	Care Planning	CFI	Case Management Staff will monitor the services through minimum weekly contact	11/11/2023	This flexibility will sunset 11/11/2023	Sunsets on 11/11/2023
13	g.	Incident Reporting	CFI	Bureau of Program Quality is waiving the 72 hour written notification requirement and instituting a 7 calendar day timeframe for the completion and uploading of the Sentinel Event Reporting form. The 24-hour verbal notification to the appropriate DHHS Bureau Administrator or designee remains in effect.	11/11/2023	This flexibility will sunset 11/11/2023	Sunsets on 11/11/2023
13	h.	incident Reporting	CFI	The Bureau of Elderly and Adult Services will track all positive COVID - 19 results for waiver participants as reported by Independent Case Management Agencies	11/11/2023	This flexibility will sunset 11/11/2023	Sunsets on 11/11/2023
17	g.	Care Planning	CFI	An electronic signature will be accepted. A phone call or text may be used for individual/legal guardian approval, but it must be followed with electronic email or paper documentation dated and/or signed on the date the change is authorized	11/11/2023	This flexibility will sunset 11/11/2023	Sunsets on 11/11/2023

Key of Terms
ABD - Acquired Brain Disorder Waiver
AMDS - Adult Medical Day Services
BEAS - Bureau of Elderly and Adult Services
BPQ - Bureau of Program Quality
CFI - Choices for Independence Waiver
CPS - Community Participation Services
CSS - Community Support Services
DD - Developmental Disability Waiver
EMOD - Environmental Modification
HCBS - Home and Community Based Services
HRST - Health Risk Screening Tool
IHS - In Home Supports Waiver
ISA - Individual Service Agreement
LOC - Level of Care
PDMS - Participant Directed and Managed Services
PHE - Public Health Emergency
RRTPP - Recruitment, Retention & Training Payment Program
SEP - Supported Employment Services
SIS - Support Intensity Scale
SME - Specialized Medical Equipment