

DEPARTMENT OF HEALTH & HUMAN SERVICES  
Centers for Medicare & Medicaid Services  
601 E. 12th St., Room 355  
Kansas City, Missouri 64106



**Medicaid and CHIP Operations Group**

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December 17, 2020

Ms. Shevaun Harris  
Deputy Secretary for Medicaid  
Florida Agency for Health Care Administration  
2727 Mahan Drive, Mail Stop 20  
Tallahassee, FL 32308

RE: FL 0962.R01.06 – 1915(c) Home and Community Based Wavier (HCBS) Amendment

Dear Ms. Harris:

The Centers for Medicare & Medicaid Services (CMS) is approving your request to amend the Florida Long Term Care Managed Care Waiver for individuals aged 65 and older, or 18 and older with a disability, who meet nursing facility or hospital level of care. The CMS Control Number for the amendment is FL 0962.R01.06. Please use this number in future correspondence relevant to this waiver action.

With this amendment, the state is increasing the unduplicated count of waiver participants and the limit on the number of participants served at a point in time for Waiver Years four and five. The effective date of the amendment is December 1, 2020.

The waiver continues to be cost-neutral. The average per capita cost of waiver services estimates (Appendix J.1) have been approved.

This approval is subject to your agreement to serve no more individuals than the total number of unduplicated participants indicated in Appendix J.2 of the waiver. If the state wishes to serve more individuals or make any other alterations to this waiver, an amendment must be submitted for approval.

It is important to note that CMS' approval of this waiver amendment solely addresses the state's compliance with the applicable Medicaid authorities. CMS' approval does not address the state's independent and separate obligations under federal laws including, but not limited to, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, or the Supreme Court's Olmstead decision. Guidance from the Department of Justice concerning compliance with the

Americans with Disabilities Act and the Olmstead decision is available at [http://www.ada.gov/olmstead/q&a\\_olmstead.htm](http://www.ada.gov/olmstead/q&a_olmstead.htm).

Thank you for your cooperation during the review process. If you have any questions concerning this information, please contact me at (206) 615-2356, or your staff may contact Alice Hogan at Alice.Hogan@cms.hhs.gov or (404) 562-7432.

Sincerely,

David L. Meacham, Director  
Division of HCBS Operations and Oversight

cc:

Dominique Mathurin, CMS  
Ann Dalton, FL AHCA  
Tandra Hodges, CMS  
Dianne Kayala, CMS  
Sidney Staton, CMS