

COVID-19 Public Health Emergency Flexibilities, Updated July 5, 2023

The Virginia Medicaid agency implemented a variety of policies in 2020 in response to the needs of members and providers as they confronted the COVID-19 pandemic. The remaining flexibilities are included in the table below, along with information about when those flexibilities will end.

| <b>Flexibility</b>   | <b>End Date</b>  |
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| <b>Waivers</b>   |  |
| Members who receive less than one service per month will not be discharged from a HCBS waiver.   | Based on CMS guidance, members who have not received services in thirty days may be removed from a Medicaid waiver after notice is provided. |
| Allow legally responsible individuals (parents of children under age 18 and spouses) to provide personal care/personal assistance services for reimbursement.          | This flexibility will remain active until November 11, 2023.   |
| Personal care, respite, and companion aides hired by an agency shall be permitted to provide services prior to receiving the standard 40-hour training.                | This flexibility will remain active until November 11, 2023.   |
| Allow beneficiaries to receive monthly monitoring when services are furnished on a less than monthly basis.  | This flexibility will remain active until November 11, 2023.   |
| <b>Appeals</b>   |  |
| For all appeals filed during the state of emergency, Medicaid members will automatically keep their coverage.  | This flexibility is continuing under a 1902(e)(14) waiver approved by CMS.   |
| There will be no financial recovery for continued coverage for appeals filed during the period the emergency.  | This flexibility is continuing under a 1902(e)(14) waiver approved by CMS.   |
| Delay scheduling of fair hearings and issuing fair hearing decisions due to an emergency beyond the state's control.   | This flexibility is continuing under a 1902(e)(14) waiver approved by CMS for cases that involve existing coverage.                          |
| The state may offer to continue benefits to individuals who are requesting a fair hearing if the request comes later than the date of the action under 42 CFR 431.230. | This flexibility is continuing under a 1902(e)(14) waiver approved by CMS.   |