

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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January 07, 2022

Jacey Cooper, Medicaid Director  
California Department of Health Care Services  
PO Box 997413, MS 0000  
Sacramento, CA 95899-7413

RE: 1915(c) Home and Community-Based Assisted Living Waiver Amendment #0431

Dear Ms. Cooper:

The Centers for Medicare & Medicaid Services (CMS) is approving your request to amend the Assisted Living Home and Community-Based Services Waiver serving individuals 21 years of age and older with a nursing facility level of care. The CMS Control Number for this amendment is 0431.R03.09. Please use this number in future correspondence relevant to this waiver action.

With this amendment, the state is increasing the number of waiver slots by 7,000. The effective date of the amendment is July 1, 2021. The waiver continues to be cost-neutral and 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).

The state has identified its intent to use money realized from section 9817 of the American Rescue Plan (ARP). Approval of this action does not constitute approval of the state's spending plan. The state must have an approved spending plan in order to use the money realized from section 9817 of the ARP.

Thank you for your cooperation during the review process. If you have any questions concerning this information, please contact me at (410) 786-7561. You may also contact Kathleen Creggett at [Kathleen.Creggett@cms.hhs.gov](mailto:Kathleen.Creggett@cms.hhs.gov) or (415) 744-3656.

Sincerely,

ORIGINAL SIGNED BY

Wendy Hill Petras, Deputy Director  
Division of HCBS Operations and Oversight

cc: Deanna Clark, CMCS  
Cynthia Nanes, CMCS