

Appendix K and Executive Orders Flexibilities: updated January 9, 2023

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: 9/30/2022
Authority: Appendix K/Emergency Regulations
Residential retainer payments*
Telephonic/Remote services: Behavioral Support Intervention Services (BSIS)*
Telephonic/Remote services: Case Management (CCS)
Telephonic/Remote services: Nursing Services
Abbreviated criminal background check
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.
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 current DDA authorization within person's overall authorized funding budget for personal supports*
Individuals 16 years or older can be direct support*
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
Training requirements: waived for family members willing to provide services to participants
Training requirements: MTTP/Medication Technician Training

TERMINATION: 6/30/2023
Authority: Appendix K/Emergency Regulations
Meaningful day and personal supports retainer payments Note: Effective 9/30/22, residential retainer days have terminated
Staffing ratios (exceed maximum)
Staffing ratios -- 1:1 and 2:1 exceptions
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
Suspension of the minimum number of hours of Meaningful Day services to be provided during a single day. A provider may bill for the entire day only if they provide the person with, at minimum, three hours of cumulative supports. This applies to providers billing in PCIS2 and LTSSMaryland.

Hire relatives and legally responsible individuals*
Increased rate (isolation)
Training requirements: Annual training requirement extension for DSP who have previously completed all training requirements NOTE: Effective 9/30/22, training flexibilities do not apply to: 1. DSPs who exceed 18 months from prior training date/certification; and 2. Do not apply when OHCQ has a finding that mandates a training requirement for a DSP directly involved in an incident that resulted in a statement of deficiencies or a plan of correction.
Training requirements: CPR and First Aid
Training requirements: Training in MANDT
Residential day time shared service hours*
Waiver of high school or GED requirement*

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