



STATE OF WASHINGTON
HEALTH CARE AUTHORITY
626 8th Avenue, SE • Olympia, Washington 98501

December 22, 2025

NOTICE

Subject: Medicaid Waiver Applications under Section 1915(c) for the Department of Social and Health Services and the Application of an Appendix K Waiver Authority.

Effective Date: December 23, 2025 (sooner if allowed by CMS)

Description: The Health Care Authority (HCA) and the Department of Social and Health Services (DSHS) intend to submit a 1915(c) Appendix K waiver to implement policies and procedures that may be different from the policies and procedures otherwise applied under the 1915(c) Home and Community Based Services waiver during the period of Governor Ferguson's emergency declarations related to the historic flooding occurring across Washington.

The 1915(c) Appendix K waiver is the preprint developed by the Centers for Medicare and Medicaid Services (CMS) to waive or modify certain requirements of Section 1915(c) Home and Community Based Services during certain emergencies to ensure that sufficient health care items, services, and staffing are available to meet the needs of individuals enrolled in the program and to ensure that health care providers that furnish such items and services in good faith, but are unable to comply with one or more of such requirements as a result of the flooding, may be reimbursed for such items and services and exempted from sanctions for such noncompliance, absent any determination of fraud or abuse.

The 1915(c) Appendix K waiver allows HCA and DSHS various flexibilities in 1915(c) programs, including the ability to take temporary actions such as:

- Make retainer payments to address emergency related issues.
- Exceed service limits or requirements for amount, duration, and prior authorization to address health and welfare issues presented by the emergency situation.
- Modify services to the waiver or expand settings where services may be provided to address the emergency situation.
- Modify provider qualification or certification requirements.
- Modify processes for level of care evaluations or person-centered service plan development.

At this time, HCA and DSHS have insufficient data upon which to base an estimate of the effect of the 1915(c) Appendix K waiver on annual aggregate expenditures/reimbursement/payment.

The 1915(c) Appendix K waiver is in the development process; therefore a copy is not yet available for review. HCA and DSHS would appreciate any input or concerns regarding this 1915(c) Appendix K waiver. To request a copy when it becomes available or submit comments, please contact the person named below (please note that all comments are subject to public review and disclosure, as are the names of those who comment).

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