

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 14, 2022

Dave Richard, Deputy Secretary  
North Carolina Medicaid  
NC Department of Health and Human Services  
Division of Health Benefits  
1985 Umstead Drive, Kirby Building  
Raleigh, NC 27603

RE: North Carolina 1915(c) Waiver Amendment for NC 0132.R07.08

Dear Mr. Richard:

The Centers for Medicare & Medicaid Services (CMS) is approving your request to amend the NC Community Alternatives Program for Disabled Adults (CAP/DA) Waiver for individuals who are 18 years and older with a physical disability or who are 65 years and older with functional deficiencies due to age. The CMS Control Number for the amendment is NC.0132.R07.08. Please use this number in future correspondence relevant to this waiver action.

With this amendment, the state is updating the roles and responsibilities of contracted and local agencies, increasing the unduplicated participant count by 114 and adding the additional capacity to the Alzheimer's Disease and Related Disorder reserve pool, allowing waiver entrants currently in an institution or enrolled in a similar 1915(c) waiver to temporarily use their current service plan as an interim service plan for up to 60 days, updating the service definitions for goods and services, community transition and integration, and training education and consultative services, adding information on how the care advisor supports the waiver participant in directing care, adding the EVV requirement for personal care services, and updating cost projections for years 3-5 to account for rate increases and the additional waiver participants with funding under ARP. This action is being undertaken by the state consistent with its spending plan under Section 9817 of the American Rescue Plan Act. The effective date of the amendment is November 1, 2022.

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 (410) 786-7561. You may also contact Carshena Harvin at Carshena.Harvin@cms.hhs.gov or (212) 616-2218.

Sincerely,

George P. Failla, Jr., Director  
Division of HCBS Operations and Oversight

Enclosure

cc: Betty Staton, NC DHHS  
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