

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

September 29, 2023

Susan Birch, Director
Dr. Charissa Fotinos, Medicaid Director
Health Care Authority
PO Box 45502
Olympia, WA 98504-5010

RE: Approval of Washington's COPEs Waiver renewal (WA.0049.R09.00)

Dear Director Birch and Dr. Fotinos:

The Centers for Medicare & Medicaid Services (CMS) has approved Washington's §1915(c) Home and Community-Based Services (HCBS) COPEs Waiver renewal, CMS Transmittal Number (TN) WA.0049.R09.00. Please use this number in future correspondence relevant to the waiver. The waiver serves aged and disabled individuals needing a nursing facility level of care. The purpose of the waiver is to support participants to live in the community setting of their choice rather than in a nursing facility or other more restrictive settings.

The renewal request includes the following major changes:

- Revises and updates several performance measures;
- Adds a new provider type for Client Support Training and Wellness Education service;
- Increases waiver capacity for all five waiver years.

The waiver renewal was submitted on July 6, 2023, and is approved with the effective date of January 1, 2024.

The waiver is cost-neutral. The following estimates of unduplicated recipients and the average per capita costs of waiver services have been approved:

Waiver Year	Unduplicated Recipients (Factor C)	Community Costs (Factor D+D')	Institutional Costs (Factor G+G')	Total Waiver Costs (Factor C x Factor D)
1	44,868	\$37,390.23	\$101,828.58	\$22,521,043.92
2	47,560	\$38,313.32	\$103,628.35	\$23,486,079.20
3	50,413	\$39,932.67	\$111,002.90	\$24,529,453.41
4	53,438	\$40,431.49	\$113,024.44	\$26,060,109.46
5	56,644	\$41,619.14	\$121,076.78	\$27,736,867.48

The approval is subject to the agreement to serve no more individuals than those indicated in the waiver. If the state wishes to serve more individuals or make any other alterations to this waiver, the state must submit an amendment for approval.

It is important to note that CMS' approval of this waiver 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.

We appreciate the cooperation and effort provided by you and your staff during the approval process. If there are any questions concerning this approval, please contact me at (410) 786-7561. You may also contact Nick Sukachevin at Nickom.Sukachevin@cms.hhs.gov or at (206) 615-2416.

Sincerely,

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

cc: Bea Rector, AL TSA
Jamie Tong, AL TSA
Debbie Johnson, AL TSA
Annie Moua, AL TSA