

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 10, 2024

Michelle Baass  
Director and Interim State Medicaid Director  
California Department of Health Care Services  
P.O. Box 997413, MS 0000  
Sacramento, CA 95899-7413

RE: California HCBS Waiver for Californians with Developmental Disabilities, CA  
0336.R05.03 amendment

Dear Interim Director Baass:

The Centers for Medicare & Medicaid Services (CMS) is approving your request to amend the HCBS Waiver for Californians with Developmental Disabilities for individuals with intellectual or developmental disabilities or autism. The CMS Control Number for the amendment is CA 0336.R05.03. Please use this number in future correspondence relevant to this waiver action.

With this amendment, the state is modifying the definition of the target population to include children under 5; increasing rates for independent living programs, adult residential homes, and participant-directed day services and supported employment; adding participant-directed services as a new service; adding budget authority for participant-directed services; adding additional incentive payments for assisting individuals to obtain competitive, integrated employment; and adding supplemental payments for completion of surveys for eligible providers of community living arrangement services, certifications gained in employment services, and for direct service professionals who use a language other than English more than 50% of the time. The effective date of the amendment is January 10, 2024.

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).

CMS reminds the state that the state must have an approved spending plan in order to use the 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.

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 Alice Hogan at [Alice.Hogan@cms.hhs.gov](mailto:Alice.Hogan@cms.hhs.gov) or (404) 562-7432.

Sincerely,

George P.  
Failla Jr -S

Digitally signed by George  
P. Failla Jr -S  
Date: 2024.01.10  
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George P. Failla, Jr., Director  
Division of HCBS Operations and Oversight

cc: Cheryl Young, CMS  
Deanna Clark, CMS