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To: Division of Aging Providers and Stakeholders
From: Leslie Huckleberry, Director, Division of Aging
Re: Appendix K and End of PHE – Updated document
Date: September 18, 2023

The COVID-19 pandemic was declared a federal public health emergency in January 2020. In response, several policy changes were temporarily put into place throughout the declared public health emergency, including the allowance of certain flexibilities that were approved Federally by Centers for Medicare and Medicaid Services through the Appendix K process regarding the A&D and TBI waivers.

CMS granted approval of certain Appendix K flexibilities for a period of up to six months after the end of the PHE for COVID-19. This additional six-month timeframe allows for planning and preparations necessary for teams to transition away from the use of Appendix K flexibilities at the end of the PHE.

On January 30, 2023, the Biden-Harris Administration announced its intent to end the national emergency and public health emergency declarations related to the COVID-19 pandemic on May 11, 2023. Since the Appendix K flexibilities are directly tied to the end date of the PHE, DA has updated its guidance on the unwinding of the Appendix K Flexibilities and Code Waiver Document.

[A guidance document](#), intended to provide notice of timelines for the unwinding of the temporary policy changes to allow the system to transition back to pre-COVID-19 operations, was released in June of 2023. This document has been updated to include several flexibilities that were not addressed in the original document. The updated document can be found here.

