

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Health Care Finance



Office of the Senior Deputy Director/Medicaid Director

April 21, 2020

**Section 1135 Waiver Requests
to Assist Healthcare Providers in Responding to COVID-19**

The District of Columbia Department of Health Care Finance (DHCF) submitted an 1135 waiver application to the Centers for Medicare and Medicaid Services (CMS). When the President declares a disaster or emergency and the HHS Secretary declares a public health emergency, the Secretary is authorized to take certain actions. Under section 1135 of the Social Security Act, the Secretary may temporarily waive or modify certain Medicaid, and Children's Health Insurance Program (CHIP) requirements to ensure that sufficient health care items and services are available to meet the needs of individuals enrolled.

DHCF submitted an 1135 waiver on April 1, 2020 and on April 3, 2020, CMS approved most of the flexibilities requested in the 1135 waiver. The District can submit additional amendments to the 1135 waiver to address the COVID-19 outbreak and on April 6, 2020, DHCF requested additional flexibility related to fair hearings. This request as well as additional provisions originally requested in the 1135 waiver are still pending CMS review and approval.

DHCF expects to request more changes as needed to continue operations during this state of emergency. To read the approval letter, click [HERE](#).

Flexibilities requested and approved under the 1135 waiver are listed below. More details and specific information on the implementation of the 1135 waiver can be found in the appropriate transmittal. All 2020 transmittals are available on the DHCF website [2020 DHCF Medicaid Updates](#).

Prior Authorizations (Transmittals 20-15 & 20-16 provide additional information on the particular benefits)

- Temporary suspension of Medicaid fee-for-service prior authorization requirements for particular benefits
- Extension of pre-existing prior authorizations for particular benefits

Long Term Services and Supports (DHCF has preemptively requested authority to suspend PASRR reviews, if needed. DHCF is not suspending PASRR reviews at this time.)

- Suspension of Pre-Admission Screening and Annual Resident Review (PASRR) Level I and Level II assessments for 30 days

Provider Enrollment (Transmittal 20-14 provides additional information on the changes to provider enrollment)

- Authorization for Medicaid to provisionally, temporarily enroll out-of-state providers who are enrolled in another state's Medicaid program or Medicare
- Temporarily waive application fees, criminal background checks, site visits and in-state licensure requirements for providers not already enrolled in another state's Medicaid program or Medicare
- Authorization to temporarily cease re-validation of provider

Other Section 1135 Waiver Flexibilities

- Authorization to allow facilities to be fully reimbursed for services rendered to an unlicensed facility during an emergency evacuation or due to other need to relocate residents where the placing facility continues to render services.
- Authority to submit a state plan amendment (SPA) that provides or increases beneficiary access to items and services related to COVID-19 after March 31, 2020 and have the SPA retroactive to the first quarter of 2020.
- Waiver of public notice requirements applicable to the SPA submission process with respect to SPAs that provide or increase beneficiary access to items and services related to COVID-19.

The approval of these temporary flexibilities is effective retroactively to March 1, 2020 and ends upon termination of the federal public health emergency, including any extensions, according to CMS.

Requests pending CMS review and approval

- Extension of fair hearing requests and appeal timelines for enrollees to exercise their appeal rights to allow an additional 120 days to request a fair hearing when the initial 120th day deadline for an enrollee occurred during the period of the public health emergency.
- Authority to extend the District's Promoting Interoperability Program Year 2019 attestation deadline to 60 days after the end of the public health emergency
- Waiver of the prohibition on providing Medicaid services to inmates for District inmates who are under quarantine or treatment for COVID-19 or who are unable to access inpatient services due to the COVID-19 national health emergency

Updates will be provided on the pending items as more information becomes available.