

State 1135 Waivers to CMS

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Not all Waivers Are Created Equal: Importance of State 1135 Waiver Requests to CMS

CMS has granted certain “blanket waivers” as a result of the Novel Coronavirus Disease (COVID19) pandemic. However, it is important to understand that those blanket waivers only pertain to federal requirements. For all impacts and issues governed by Medicaid laws and regulations, States must individually apply to CMS to avail themselves of Section 1135 waivers. Moreover, state-submitted 1135 waiver requests are the best opportunity for states to submit all the “case-by-case” waiver or modification requests as there is no one size fits all solution to mitigating the impact of a global pandemic.

Once granted, these waivers, which require renewal every 60 days, create an opportunity for operators and associations to engage in a mutually beneficial, ongoing dialogue with state agencies to ensure then current needs and issues are being addressed in real-time across both State and Federal law. This continuous line of communication pertaining to 1135 waivers is an opportunity for providers to create a feedback loop with agencies to ensure providers are not only providing insight on issues, but are staying informed enough to stay compliant with state specific regulatory throughout the pendency of COVID-19.

Of note, while not required, CMS recommends that providers notify their local MAC, Regional CMS Office, and state survey agency of intent to operate under Section 1135 waivers for COVID-19.

State	Waiver Requested?	Date of Waiver Request Submission	Waiver Approved?	CMS Waiver Response
Alabama	Yes.	March 18, 2020.	Yes.	Alabama 1135 Waiver Response.
Alaska	Yes.	March 27, 2020.	Yes.	Alaska 1135 Waiver Response.
Arizona	Yes. Arizona Request.	March 17, 2020.	Yes.	Arizona 1135 Waiver Response.
Arkansas	Yes.	March 30, 2020.	Yes.	Arkansas 1135 Waiver Response.
California	Yes. California Request.	March 19, 2020.	Yes.	California 1135 Waiver Response.

State	Waiver Requested?	Date of Waiver Request Submission	Waiver Approved?	CMS Waiver Response
Colorado	Yes.	March 24, 2020.	Yes.	Colorado 1135 Waiver Response.
Connecticut	Yes.	March 23, 2020	Yes.	Connecticut 1135 Waiver Response.
Delaware	Yes.	March 24, 2020.	Yes.	Delaware 1135 Waiver Response.
Florida	Yes.	March 13, 2020.	Yes.	Florida 1135 Waiver Response.
Georgia	Yes.	March 28, 2020.	Yes.	Georgia 1135 Waiver Response.

State	Waiver Requested?	Date of Waiver Request Submission	Waiver Approved?	CMS Waiver Response
Hawaii	Yes.	March 20, 2020.	Yes.	Hawaii 1135 Waiver Response.
Idaho	Yes.	March 23, 2020.	Yes.	Idaho 1135 Waiver Response.
Illinois	Yes.	March 19, 2020.	Yes.	Illinois 1135 Waiver Response.
Indiana	Yes.	March 19, 2020.	Yes.	Indiana 1135 Waiver Response.
Iowa	Yes.	March 18, 2020.	Yes.	Iowa 1135 Waiver Response.

State	Waiver Requested?	Date of Waiver Request Submission	Waiver Approved?	CMS Waiver Response
Kansas	Yes.	March 20, 2020.	Yes.	Kansas 1135 Waiver Response.
Kentucky	Yes.	March 19, 2010.	Yes.	Kentucky 1135 Waiver Response.
Louisiana	Yes.	March 17, 2020.	Yes.	Louisiana 1135 Waiver Request.
Maine	Yes.	April 2, 2020.	Yes.	Maine 1135 Waiver Response.
Maryland	Yes. Maryland Request.	March 20, 2020.	Yes.	Maryland 1135 Waiver Response.

State	Waiver Requested?	Date of Waiver Request Submission	Waiver Approved?	CMS Waiver Response
Massachusetts	Yes. Massachusetts Request.	March 20, 2020.	Yes.	Massachusetts 1135 Waiver Response.
Michigan	Yes. Michigan Request.	April 1, 2020.	Yes.	Michigan 1135 Waiver Response.
Minnesota	Yes.	March 23, 2020.	Yes.	Minnesota 1135 Waiver Response.
Mississippi	Yes.	March 18, 2020.	Yes.	Mississippi 1135 Waiver Response.
Missouri	Yes.	March 20, 2020.	Yes.	Missouri 1135 Waiver Response.

State	Waiver Requested?	Date of Waiver Request Submission	Waiver Approved?	CMS Waiver Response
Montana	Yes.	March 26, 2020.	Yes.	Montana 1135 Waiver Response.
Nebraska	Yes.	March 30, 2020.	Yes.	Nebraska 1135 Waiver Response.
Nevada	Yes.	April 2, 2020.	Yes	Nevada 1135 Waiver Response.
New Hampshire	Yes.	March 19, 2020.	Yes.	New Hampshire 1135 Waiver Response.
New Jersey	Yes. New Jersey Request.	March 19, 2020.	Yes.	New Jersey 1135 Waiver Response.

State	Waiver Requested?	Date of Waiver Request Submission	Waiver Approved?	CMS Waiver Response
New Mexico	Yes.	March 19, 2020.	Yes.	New Mexico 1135 Waiver Response.
New York	Yes. New York Request.	March 23, 2020.	Yes.	New York 1135 Waiver Response.
North Carolina	Yes. North Carolina Request.	March 17, 2020.	Yes.	North Carolina 1135 Waiver Response.
North Dakota	Yes. North Dakota Request.	March 18, 2020.	Yes.	North Dakota 1135 Waiver Response.
Ohio	Counsel for Ohio Department of Medicaid confirmed that Ohio is currently preparing an 1135 Waiver Request and will be submitting it to CMS soon.			

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Oklahoma	Yes.	March 20, 2020.	Yes.	Oklahoma 1135 Waiver Response.
Oregon	Yes.	March 20, 2020.	Yes.	Oregon 1135 Waiver Response.
Pennsylvania	Yes.	March 24, 2020.	Yes.	Pennsylvania 1135 Waiver Response.
Rhode Island	Yes.	March 16, 2020.	Yes.	Rhode Island 1135 Waiver Response.
South Carolina	Yes.	March 27, 2020.	Yes.	South Carolina 1135 Waiver Response.

State	Waiver Requested?	Date of Waiver Request Submission	Waiver Approved?	CMS Waiver Response
South Dakota	Yes.	March 19, 2020.	Yes.	South Dakota 1135 Waiver Response.
Tennessee	Yes.	March 27, 2020.	Yes	Tennessee 1135 Waiver Response.
Texas	Yes. Texas Request.	March 25, 2020.	Yes.	Texas 1135 Waiver Response.
Utah	Yes.	April 5, 2020.	Yes.	Utah 1135 Waiver Request.
Vermont	Yes.	March 23, 2020	Yes.	Vermont 1135 Waiver Response.

State	Waiver Requested?	Date of Waiver Request Submission	Waiver Approved?	CMS Waiver Response
Virginia	Yes.	March 16, 2020.	Yes.	Virginia 1135 Waiver Response.
Washington	Yes.	March 15, 2020.	Yes.	Washington 1135 Waiver Response.
West Virginia	Yes.	March 23, 2020.	Yes.	West Virginia 1135 Waiver Response.
Wisconsin	Pending response from offices/agencies.			
Wyoming	Yes.	March 24, 2020.	Yes.	Wyoming 1135 Waiver Response.

State	Waiver Requested?	Date of Waiver Request Submission	Waiver Approved?	CMS Waiver Response
District of Columbia	Yes.	April 1, 2020.	Yes.	District of Columbia 1135 Waiver Response.
U.S. Virgin Islands	Yes	April 2, 2020.	Yes.	U.S. Virgin Islands 1135 Waiver Response.