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2nd Update to the List of States Granted Medicaid Section 1135 Waiver Flexibilities

UPDATE: In our recent white paper, [CMS Provides Medicaid Section 1135 Waivers For States During COVID-19](#), we explained how CMS is actively approving state Medicaid waiver requests for flexibilities that will allow those states to focus their resources on their respective COVID-19 responses. The waivers can provide temporary relaxation on a number of Medicaid processes such as:

- Temporarily suspending prior authorization requirements;
- Extending existing authorizations for services through the end of the public health emergency;
- Modifying certain timeline requirements for state fair hearings and appeals;
- Relaxing provider enrollment requirements to allow states to more quickly enroll out-of-state or other new providers to expand access to care, and
- Relaxing public notice and submission deadlines for certain COVID-19 focused Medicaid state plan amendments, enabling states to make changes faster and ensure they can be retroactive to the beginning of the emergency.
- Temporarily waiving requirements that physicians and other health care professionals be licensed in the state in which they are providing services, so long as they have an equivalent licensing in another state,

Section 1135 waivers are effective March 1, 2020 and will end upon termination of the public health emergency, including any extensions.

The following list has been updated to reflect all states that have been granted waivers as of April 10, 2020. Those listed in blue have been added since our last update. Details on the individual state waivers and additional guidance and materials are published at:

<https://www.cms.gov/About-CMS/Agency-Information/Emergency/EPRO/Current-Emergencies/Current-Emergencies-page>

State	Current Medicaid and Chip Waivers Related To
Alabama	Pre-Admission Screening and Annual Resident Review/Nursing Facilities
Alaska	Prior Authorizations; Pre-Admission Screening and Annual Resident Review/nursing facilities; State Fair Hearing Requests and Appeal Timelines; Provider Enrollment; Alternative Settings; Public Notice and Tribal Consultation
Arizona	Prior Authorizations; Pre-Admission Screening and Annual Resident Review/nursing facilities; Provider Enrollment
Arkansas	Pre-Admission Screening and Annual Resident Review/nursing facilities; State Fair Hearing Requests and Appeal Timelines; Provider Enrollment; State Plan Amendment Flexibilities
California	Prior Authorizations; State Fair Hearing Requests and Appeal Timelines; Provider Enrollment; Provision of Services in Alternative Settings



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Colorado	Prior Authorizations; Pre-Admission Screening and Annual Resident Review/nursing facilities; State Fair Hearing Requests and Appeal Timelines; Provider Enrollment; Alternative Settings; Public Notice and Tribal Consultation
Connecticut	Prior Authorizations; State Fair Hearing Requests and Appeal Timelines; Provider Enrollment; Provision of Services in Alternative Settings; Public Notice and Tribal Consultation
Delaware	Prior Authorizations; Pre-Admission Screening and Annual Resident Review/nursing facilities; Provider Enrollment; State Fair Hearing Requests and Appeal Timelines
District of Columbia	Prior Authorizations; Pre-Admission Screening and Annual Resident Review/nursing facilities; Provider Enrollment; Provision of Services in Alternative Settings; State Plan Amendment Flexibilities
Florida	Provider Participation; Prior Authorizations; Pre-Admission Screening and Annual Resident Review/nursing facilities; Alternative Settings for Evacuating Facilities; State Fair Hearing Requests and Appeal Timelines
Georgia	Prior Authorizations; Pre-Admission Screening and Annual Resident Review/nursing facilities; Provider Enrollment; State Fair Hearing Requests and Appeal Timelines; Alternative Settings for Evacuating Facilities
Hawaii	Prior Authorizations; Pre-Admission Screening and Annual Resident Review/nursing facilities; State Fair hearing Requests and Appeal Timelines; Provider Enrollment; Provision of services in alternative setting; Public Notice and Tribal Consultation
Idaho	Prior Authorizations; Pre-Admission Screening and Annual Resident Review/nursing facilities; Provider Enrollment; Alternative Settings for Evacuating Facilities
Illinois	Prior Authorizations; Pre-Admission Screening and Annual Resident Review/nursing facilities; State Fair Hearing Requests and Appeal Timelines; Provider Enrollment; Alternative Settings for Evacuating Facilities
Indiana	Prior Authorizations; Pre-Admission Screening and Annual Resident Review/nursing facilities; State Fair Hearing Requests and Appeal Timelines; Provider Enrollment; Alternative Settings for Evacuating Facilities
Iowa	Pre-Admission Screening and Annual Resident Review/nursing facilities
Kansas	Prior Authorizations; Pre-Admission Screening and Annual Resident Review/nursing facilities; Provider Enrollment; State Fair Hearing Requests and Appeal Timelines
Kentucky	Prior Authorizations; Pre-Admission Screening and Annual Resident Review/nursing facilities; State Fair Hearing Requests and Appeal Timelines; Provider Enrollment; Alternative Settings for Evacuating Facilities
Louisiana	Pre-Admission Screening and Annual Resident Review/nursing facilities; State Fair Hearing Requests and Appeal Timelines; Provider Enrollment; Alternative Settings for Evacuating Facilities



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Maine	Prior Authorizations; Pre-Admission Screening and Annual Resident Review/nursing facilities; State Fair Hearing Requests and Appeal Timelines; Provider Enrollment; Alternative Settings; Public Notice and Tribal Consultation
Massachusetts	Prior Authorizations; Pre-Admission Screening and Annual Resident Review/nursing facilities; State Fair Hearing Requests and Appeal Timelines; Provider Enrollment; Alternative Settings for Evacuating Facilities; Public Notice and Tribal Consultation
Michigan	Prior Authorizations; Provider Enrollment; Alternative Settings for Evacuating Facilities; Public Notice and Tribal Consultation
Minnesota	Provider Enrollment; Prior Authorizations; State Plan Amendment Flexibilities; State Fair Hearing Requests and Appeal Timelines
Mississippi	Prior Authorizations; Pre-Admission Screening and Annual Resident Review/nursing facilities; State Fair Hearing Requests and Appeal Timelines; Provider Enrollment; Alternative Settings for Evacuating Facilities
Missouri	Provider Enrollment; Prior Authorizations; Provision of Services in Alternative Settings; Pre-Admission Screening and Annual Resident Review/nursing facilities; State Fair Hearing Requests and Appeal Timelines; State Plan Amendment Flexibilities
Montana	Prior Authorizations; Pre-Admission Screening and Annual Resident Review/nursing facilities; State Fair Hearing Requests and Appeal Timelines; Provider Enrollment; Alternative Settings for Evacuating Facilities
Nebraska	Prior Authorizations; Pre-Admission Screening and Annual Resident Review/nursing facilities; State Fair Hearing Requests and Appeal Timelines; Provider Enrollment; Provision of Services in Alternative Settings; Public Notice and Tribal Consultation
Nevada	Prior Authorizations; Pre-Admission Screening and Annual Resident Review/nursing facilities; State Fair Hearing Requests and Appeal Timelines; Provider Enrollment; Provision of Services in Alternative Settings; Public Notice and Tribal Consultation
New Hampshire	Prior Authorizations; Pre-Admission Screening and Annual Resident Review/nursing facilities; State Fair Hearing Requests and Appeal Timelines; Provider Enrollment; Alternative Settings for Evacuating Facilities
New Jersey	Prior Authorizations; Pre-Admission Screening and Annual Resident Review/nursing facilities; State Fair Hearing Requests and Appeal Timelines; Provider Enrollment; Alternative Settings for Evacuating Facilities
New Mexico	Prior Authorizations; Pre-Admission Screening and Annual Resident Review/nursing facilities; State Fair Hearing Requests and Appeal Timelines; Provider Enrollment
New York	Prior Authorizations; Pre-Admission Screening and Annual Resident Review/nursing facilities; State Fair Hearing Requests and Appeal Timelines; Provider Enrollment; Alternative Settings for Evacuating Facilities
North Carolina	Provider Enrollment; Alternative Settings for Evacuating Facilities; Pre-Admission Screening and Annual Resident Review/nursing facilities; State Fair Hearing Requests and Appeal Timelines; Prior Authorizations



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North Dakota	Prior Authorizations; Pre-Admission Screening and Annual Resident Review/nursing facilities; State Fair Hearing Requests and Appeal Timelines; Provider Enrollment; Public Notice and Tribal Consultation
Oklahoma	Provider Enrollment; Provision of Services in Alternative Settings; State Fair Hearing Requests and Appeal Timelines; Prior Authorizations; Pre-Admission Screening and Annual Resident Review/nursing facilities
Oregon	Provider Enrollment; Prior Authorizations; Alternative Settings for Evacuating Facilities; Pre-Admission Screening and Annual Resident Review/nursing facilities; State Fair Hearing Requests and Appeal Timelines; Public Notice and Tribal Consultation
Pennsylvania	Prior Authorizations; Pre-Admission Screening and Annual Resident Review/nursing facilities; State Fair Hearing Requests and Appeal Timelines; Provider Enrollment; Alternative Settings for Evacuating Facilities
Rhode Island	Prior Authorizations; State Fair Hearing Requests and Appeal Timelines; Provider Enrollment
South Carolina	Provider Enrollment; Prior Authorizations; Alternative Settings for Evacuating Facilities; Pre-Admission Screening and Annual Resident Review/nursing facilities; State Fair Hearing Requests and Appeal Timelines; Public Notice and Tribal Consultation
South Dakota	Pre-Admission Screening and Annual Resident Review/nursing facilities; State Fair Hearing Requests and Appeal Timelines; Provider Enrollment; Provision of Services in Alternative Settings
Tennessee	Pre-Admission Screening and Annual Resident Review/nursing facilities; Provider Enrollment; Provision of Services in Alternate Settings
Texas	Prior Authorizations; Pre-Admission Screening and Annual Resident Review/nursing facilities; State Fair Hearing Requests and Appeal Timelines; Provider Enrollment; State Plan Amendment Flexibilities
U.S. Virgin Islands	Prior Authorizations; State Fair Hearing Requests and Appeal Timelines; Provider Enrollment
Utah	Provider Enrollment; Prior Authorizations; Alternative Settings for Evacuating Facilities; Pre-Admission Screening and Annual Resident Review/nursing facilities; State Fair Hearing Requests and Appeal Timelines; Public Notice and Tribal Consultation
Vermont	Prior Authorizations; Pre-Admission Screening and Annual Resident Review/nursing facilities; State Fair Hearing Requests and Appeal Timelines; Provider Enrollment; Provision of Services in Alternate Settings
Virginia	State Fair Hearing Requests and Appeal Timelines; Provider Enrollment; Prior Authorizations
Washington	Provider Participation; Prior Authorizations; Alternative Settings for Evacuating Facilities; Pre-Admission Screening and Annual Resident Review/nursing facilities; State Fair Hearing Requests and Appeal Timelines; Public Notice and Tribal Consultation
West Virginia	Prior Authorizations; Alternative Settings for Evacuating Facilities; Pre-Admission Screening and Annual Resident Review/nursing facilities; Provider Enrollment; State Fair Hearing Requests and Appeal Timelines; Public Notice and Tribal Consultation



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Wyoming	Prior Authorizations; Pre-Admission Screening and Annual Resident Review/nursing facilities; State Fair Hearing Requests and Appeal Timelines; Provider Enrollment; Provision of Services in Alternate Settings
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There is no specific form or format that is required to submit the request for a Section 1135 waiver, but the state should clearly state the scope of the issue and the impact. States and territories may submit a Section 1135 waiver request directly to Jackie Glaze, CMS Acting Director, Medicaid & CHIP Operations Group Center for Medicaid & CHIP Services by e-mail (Jackie.Glaze@cms.hhs.gov) or letter.

Additional information and guidance are provided in the Medicaid and CHIP Disaster Response Toolkit, located at: <https://www.medicaid.gov/state-resource-center/disaster-response-toolkit/index.html>. Remaining questions can be emailed to: 1135waiver@cms.hhs.gov

APS will continue monitoring and relaying government and commercial payer COVID-19 responses and changes as they develop.