



Medicaid and Chip Tribal Consultation

Disaster and Emergency Authorities

Provider Flexibilities (PF)

August 2020

Row Key	Pre Public Health Emergency Policy	Temporary Change	Approved Effective Date	State Requested/ Approved End Date	Federal or State Authority	DPHHS Proposed Post PHE Policy
Provider Qualifications						
PF 1	Waiver providers had to meet the specific criteria for each waiver and enroll in each waiver separately.	Expand provider pool by allowing any enrolled waiver provider to work in all three waivers.	1/27/2020	7/27/2020	1915 (c) Waiver Appendix K	Unwind Flexibility
PF 2	All training must be completed within the designated timeframe as stated in the applicable waiver.	Temporarily extend deadlines for all training requirements for 60 days from the original due date.	1/27/2020	7/27/2020	1915 (c) Waiver Appendix K	Unwind Flexibility
PF 3	Waivers allow for some services to be provided by for legal guardians to be paid to render services, but do not allow legally responsible individuals which generally includes spouses and parents of minor children. The Community First Choice Program does not allow payment to family members.	Allow a family member to be paid to render services to an individual.	1/27/2020	7/27/2020	1915 (c) Waiver Appendix K, 1135 Waiver	Unwind Flexibility
PF 4	BSW and SDMI Waivers: Meal delivery services must be provided by the local area agency on aging or a frozen meal deliver service.	Modify service providers for home-delivered meals to allow for additional providers, including non-traditional providers.	1/27/2020	7/27/2020	1915 (c) Waiver Appendix K	Unwind Flexibility
PF 5	BSW and SDMI Waivers: Require case management teams to account for freedom of choice of providers when alternatives exist.	The State is responding to the COVID-19 pandemic personnel crisis by authorizing case management entities to provide direct services. Therefore, the case management entity qualifies under 42 CFR 441.301(c)(1)(vi) as the only willing and qualified entity: Current safeguards authorized in the approved waiver will apply to these entities.	1/27/2020	7/27/2020	1915 (c) Waiver Appendix K	Unwind Flexibility
Alternative Settings						
PF 6	Waivers require services to be provided in licensed or designated facilities.	Waive conditions of participation or conditions for coverage for existing providers for facilities for providing services in alternative settings, including using an unlicensed facility, if the provider's licensed facility has been evacuated.	3/13/2020	N/A	Section 1135 Waiver	Unwind Flexibility
PF 7	Waiver services have specific setting requirements for particular services and services must be delivered in the members home or within the community as per care plan.	Temporarily expand setting(s) where services may be provided (e.g. hotels, shelters, schools, churches).	1/27/2020	7/27/2020	1915 (c) Waiver Appendix K	Unwind Flexibility



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PF 8	Members were allowed to have visitors.	Not comply with the HCBS settings requirement at 42 CFR 441.301(c)(4)(vi)(D) that individuals are able to have visitors of their choosing at any time, for settings added after March 17, 2014, to minimize the spread of infection during the COVID-19 pandemic.	1/27/2020	7/27/2020	1915 (c) Waiver Appendix K	Unwind Flexibility
PF 10	All residential providers must meet the setting criteria to obtain approval as a Medicaid provider.	Pursuant to section 1135(b)(1)(B) of the Act, CMS approves a waiver to temporarily allow services provided under the 1915(c) HCBS waiver program, the 1915(i) HCBS State plan benefit, and the Community First Choice State plan option at 1915(k) to be provided in settings that have not been determined to meet the home and community-based settings criteria. This waiver applies to settings that have been added since the March 17, 2014, effective date of the HCBS final regulation (CMS 2249-F/2296-F), to which the HCBS settings criteria currently applies, to accommodate circumstances in which an individual requires relocation to an alternative setting to ensure the continuation of needed home and community-based services.	3/1/2020	N/A	Section 1135 Waiver	Unwind Flexibility
Provider Enrollment						
PF 11	Ensure that all license information is complete. Ensure that services are provided at appropriate locations for each provider type.	Temporarily modify licensure or other requirements for settings where waiver services are furnished by suspending periodic licensing and quality reviews of provider agencies throughout the duration of the pandemic and allowing provider flexibility in daytime staffing levels as long as care quality is retained.	1/27/2020	7/27/2020	1915 (c) Waiver Appendix K	Unwind Flexibility
PF 12	Require all out of state providers to be licensed and verified. There are some exceptions for emergency care and border providers.	Waive requirements that physicians and other health care professionals be licensed in the state in which they are providing services, so long as they have equivalent licensing in another state	3/13/2020	N/A	Section 1135 Waiver	Unwind Flexibility
PF 13	Adhere to 42 CFR § 455.414 The State Medicaid agency must revalidate the enrollment of all providers regardless of provider type at least every 5 years.	Postpone deadlines for revalidation of providers who are located in the state or otherwise directly impacted by the emergency	3/13/2020	N/A	Section 1135 Waiver	Unwind Flexibility
PF 14	Standard enrollment process as applicable in 42 CFR § 455.405 - State plan requirements	Streamline provider enrollment requirements when enrolling providers	3/13/2020	N/A	Section 1135 Waiver	Unwind Flexibility



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PF 15	Collect enrollment fee as applicable in 42 CFR § 455.460. The enrollment application fee is to be imposed on institutional providers that are newly-enrolling, re-enrolling/re-validating, or adding a new practice location.	Waive payment of application fee to temporarily enroll a provider	3/13/2020	N/A	Section 1135 Waiver	Unwind Flexibility
PF 16	Collect background check fee and perform background checks for providers and owners with 5% controlling interest or more. 42 CFR § 455.450 (c) (2) (2) (i) Conduct a criminal background check; and (ii) Require the submission of a set of fingerprints in accordance with §	Waive criminal background checks associated with temporarily enrolling providers	3/13/2020	N/A	Section 1135 Waiver	Unwind Flexibility
PF 17	Perform site pre enrollment and post enrollment site visits for certain provider types.	Waive site visits to temporarily enroll a provider	3/13/2020	N/A	Section 1135 Waiver	Unwind Flexibility
Provider Types						
PF 18	BSW and SDMI Waivers: Provider types are defined for each covered service.	Expand provider types for specialized equipment and supplies to purchase items from nontraditional vendors who have necessary items in stock when supply or cost impacts occur due to COVID 19 on a case by case basis.	1/27/2020	7/27/2020	1915 (c) Waiver Appendix K	Unwind Flexibility
PF 19	SDMI Waiver: Pre Public Health Emergency Policy, this service was not in the waiver. It was added as a standard service effective July 1, 2020.	Mental Health Centers will provide services in the proposed Mental Health Group Home Service in Section A. This will allow Mental Health Centers to provide this service without having to become a HCBS provider type.	1/27/2020	7/27/2020	1915 (c) Waiver Appendix K	Unwind Flexibility