



Catalyst Center COVID-19 Resource Series

## FLEXIBILITY FOR STATES: MEDICAID AND CHIP PROGRAMS

# What Options for Ensuring Access and Coverage Do State Medicaid/CHIP Programs Have in a Public Health Emergency? Section 1135 Waiver Flexibilities

The goal of this fact sheet is to provide Title V programs and allies with a summary of guidance in clear language in order to build understanding of key financing and coverage provisions during the COVID-19 emergency, support care coordination, benefits and coverage counseling, and aid in reducing the risk of family financial hardship.

In disaster or other emergency situations, the Centers for Medicare and Medicaid (CMS) can offer states and territories a number of flexible options that can help them meet the emergency needs of [Medicaid and CHIP](#) (Children's Health Insurance Program) beneficiaries.

Under a federally declared disaster or state of emergency, [Section 1135](#) of the Social Security Act includes a number of flexibilities that can temporarily modify or waive certain Medicaid and CHIP requirements.

The following are some of the modifications and waivers permitted under Section 1135, subject to request by a state or territory and subsequent approval by CMS:

### **Provider enrollment and program participation rules**

Example: removing limitations on physicians and other clinicians practicing in states they are not licensed in. Equivalent licensing in another state is still required.

### **Appeals and fair hearings**

Examples: speeding up the process for managed care enrollees to proceed to a state fair hearing and extending the time period for requesting a state fair hearing on managed care and fee-for-service appeals.

### **Reporting and oversight requirements**

Example: suspension of requirements that a registered nurse supervise aides employed by home health or hospice agencies.

To learn what options your state has chosen to request, view [federal disaster resources on Medicaid.gov](#).

The information presented is accurate as of its publication date. Further federal agency guidance, regulations and rules are being issued rapidly and may have an impact on this content. For the most up-to-date information on Medicaid/CHIP guidance, state flexibility-related tools and checklists, waiver and amendment approvals, and clinical/technical guidance please view [Coronavirus resources for states at Medicaid.gov](#).

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