

## Section 1135 Waiver Application – COVID-19 Frequently Asked Questions

Updated: 3/30/2020

### Division of Medicaid & Long-Term Care

On March 30, 2020, Nebraska Medicaid submitted an 1135 Waiver application to the federal government as part of its response to the ongoing COVID-19 pandemic.

#### Q: What is a Section 1135 Waiver?

A: Section 1135 is a part of the Social Security Act that allows the federal government to waive certain federal laws in the event of an emergency to ensure health care services are able to continue through the emergency.

#### Q: Why did Nebraska choose to submit an 1135 Waiver application?

A: Following the president's emergency declaration related to COVID-19, this waiver was one tool made available to states to respond to the pandemic. This waiver will give Nebraska Medicaid certain flexibilities to make sure Medicaid beneficiaries are able to continue to receive needed health care services through the emergency.

#### Q: What changes will the 1135 waiver make to Nebraska Medicaid?

A: There are six main ways this waiver will affect Nebraska's Medicaid program, outlined below. For each of these flexibilities, Nebraska Medicaid will provide guidance to providers, contractors and other stakeholders on the specific requirements that will be temporarily waived for the duration of the COVID-19 emergency.

1. It will provide flexibility to waive **prior authorizations** for services for Nebraska Medicaid's fee-for-service beneficiaries, when clinically appropriate.
2. It will provide flexibility to waive certain **provider enrollment** criteria, such as revalidations and site visits, through the public health emergency.
3. It will provide flexibility to waive the annual renewal of **Pre-Admission Screening and Annual Resident Review** (PASRR, levels 1 and 2) for nursing facility residents for 30 days and provide other flexibilities around these requirements.
4. It will extend the time beneficiaries have available to request **state fair hearings** and allow Nebraska Medicaid flexibility in scheduling hearings and issuing state fair hearing decisions.
5. It will allow facilities flexibility to **evacuate their patients** and **provide care in alternative settings** if needed.
6. It will provide flexibility regarding the requirements around **public notices and tribal consultation** for disaster relief state plan amendments and waivers.

#### Q: How long will the waiver last?

A: This waiver will be in effect until the public health emergency related to COVID-19 is declared to be over. **For questions, please contact us at [DHHS.MLTCEXperience@Nebraska.gov](mailto:DHHS.MLTCEXperience@Nebraska.gov).**

