

## Florida 1135 Waiver Fact Sheet

Centers for Medicare and Medicaid Services (CMS) recently approved the request by the State of Florida for an 1135 waiver for FL Medicaid. Section 1135 waivers allows for the state Medicaid program to set aside certain administrative requirements to increase access to medical services during a national emergency. This waiver will provide agencies more flexibility to respond to the COVID-19 pandemic.

A blanket waiver was issued for all states that do not require individualized approval. Among these blanket waivers, the following are included:

- Suspending the three-day hospitalization requirement prior to Medicare covered admission to skilled nursing facilities
- Enabling certain beneficiaries who recently exhausted the SNF benefits to obtain renewed SNF coverage (i.e., extending the 100 day stay to an unlimited period)
- Waiving the requirements for Critical Access Hospitals to limit the number of beds to 25 and the length of stay be limited to 96 hours
- Waive requirements that out-of-state providers be licensed in the state they are providing services in when they are licensed in another state
- Establish a toll-free hotline for non-certified Part B suppliers, physicians and non-physician practitioners to enroll and receive temporary Medicare billing privileges
- Waive certain provider screening and enrollment requirements such as:
  - Waiving payment of application fees,
  - Criminal background checks,
  - Site visits, and
  - Postponing all revalidation actions of existing providers
  - Allow licensed providers to render services outside of their state of enrollment
  - Expedite any pending or new applications from providers

In addition to the blanket waiver, FL Medicaid received a granted 1135 Waiver to enact the following temporary provision:

- Allows for out-of-state providers to enroll in Florida's Medicaid program without having provided care to Florida Medicaid recipients within the last 180 days
- If the certified provider is enrolled in Medicare or with a state Medicaid program other than Florida, Florida may perform an expedited enrollment in order to accommodate recipients displaced by the emergency
- For providers not enrolled in Medicare or other state Medicaid program, CMS will waive the 1) Payment of the application fee 2) Criminal Background Checks, Site Visits, In-State/Territory Licensure Requirements
- These enrollments will be temporary provisions until after the emergency designation is lifted and will allow a retroactive effective date of March 1, 2020
- Florida Medicaid may cease revalidations of current providers affected by the emergency
- Waivers were granted for pre-admission screening and annual resident reviews for 30 days
- Waivers were granted to allow evacuating facilities to provide services in alternative settings, such as a temporary shelter when a provider's facility is inaccessible
- Extends periods for certain types of appeals and fair hearings

A copy of the detailed CMS blanket waiver can be found [here](#). A copy of the detailed FL Section 1135 Waiver can be found [here](#).