



May 4, 2020

Inter-Tribal Council of Nevada  
Serrell Smokey, ITCN President  
Tribal Chairman of Washoe Tribe  
919 Highway 395 S  
Gardnerville, Nevada 89410

Dear Tribal Members:

In accordance with established consultation guidelines, the Division of Health Care Financing and Policy (DHCFP) is notifying Nevada tribes of the following proposed change in policy:

In response to the March 13, 2020 United States Presidential proclamation of a national emergency and the Secretary of the United States Department of Health and Human Services invoking his authority to waive or modify certain requirements of the titles XVIII, XIX, and XXI of the Act as a result of the COVID-19 pandemic, on April 3, 2020 the DHCFP submitted a Section 1135 Waiver for flexibilities related to the COVID-19 response to the Centers for Medicare and Medicaid Services (CMS). It was approved by CMS on April 7, 2020; you may find the approved waiver at <https://www.medicaid.gov/state-resource-center/disaster-response-toolkit/federal-disaster-resources/90986>.

Highlights of the 1135 Waiver include:

- Allowance for pre-approved Prior Authorizations to be extended.
- Extend the time limits for Pre-Admission Screening and Resident Review (PASRR) in Skilled Nursing facilities and hospital discharges.
- Extend timelines and flexibilities for State Fair Hearing requests and appeals.
- Allow for flexibilities in Provider Enrollment to address emergency medical needs related to COVID-19.
- Provision of services in alternative settings.
- Allow for flexibilities in Public Notice and Tribal Consultations.

In addition, CMS issued COVID-19 Emergency Declaration Blanket Waivers for Health Care Providers with a retroactive effective date of March 1, 2020. These Blanket Waivers were issued to all Medicaid programs across the United States. For a detailed description of the Blanket Waivers, please visit, <https://www.cms.gov/files/document/summary-covid-19-emergency-declaration-waivers.pdf>.

The 1135 Waiver and the Blanket Waivers will terminate upon termination of the public health emergency.

There is no anticipated fiscal impact to the Tribal Governments.

If you would like a consultation regarding this proposed change in policy, please contact Crystal Biselli at (775) 684-3722 who will schedule a meeting. We would appreciate a reply within 30 days from the date of this letter. If we do not hear from you within this time, we will consider this an indication that no consultation is requested.

Sincerely,

Cody L. Phinney  
Cody L. Phinney (May 1, 2020)

Cody L. Phinney, MPH  
Deputy Administrator, DHCFP

Cc: DuAne Young, Deputy Administrator, DHCFP  
Erin Lynch, Chief III, Medical Programs Unit, DHCFP  
Charles Damon, SSPSII, Medical Programs Unit, DHCFP  
Briza Virgen, SSPS III, Medical Programs Unit, DHCFP

# Tribal Letter - 1135 Waiver (05-01-20)

Final Audit Report

2020-05-01

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