

## Illinois 1135 Waiver Request to Address COVID-19

On March 13, 2020, the President of the United States declared the 2019 Novel Coronavirus Disease (COVID-19) a public health emergency. This declaration allows states to submit requests to the federal Centers for Medicare & Medicaid Services (CMS) to waive certain federal regulations and provide additional flexibility to address the emergency.

Under this authority, the Illinois Department of Healthcare and Family Services (HFS) submitted an 1135 Waiver request to CMS to enable the Illinois Medicaid program to quickly expand access to healthcare services to meet the needs of residents and provide additional flexibility to providers throughout the COVID-19 public health emergency. Upon approval, HFS will work quickly to communicate with providers and implement these initiatives as soon as possible. The 1135 waiver request is one component of a package of waivers and State Plan Amendments HFS is submitting to CMS to maximize flexibility within the Medicaid program for the COVID-19 public health emergency.

Examples of the flexibilities HFS requested through an 1135 Waiver request are below. Importantly, approved waiver flexibilities will apply to both Medicaid and CHIP fee-for-service and managed care delivery systems. HFS also may request additional flexibilities through the 1135 Waiver process as additional needs are identified.

### Requested 1135 Waiver Highlights:

Provider Participation & Conditions for Payment: Waive ordering, referring, and prescribing regulations; waive site visits to temporarily enroll a provider; suspend revalidation of Medicaid providers; extend the 180 day timely filing limit; provide payments to facilities for providing services in alternate settings, including unlicensed facilities or a patient's vehicle (in the case of the drive-thru screenings); allow staffing levels that exceed established limits, allow the state to broaden physician extenders, waive physical signature requirements for services via any method of delivery, and more.

Service Authorization and Utilization Controls: Suspend prior authorization requirements for most services; extend existing prior authorizations; allow post-screenings for long term care admissions; allow flexibility of documentation; and more.

Pharmacy: Cover over-the-counter products used for symptomatic relief of fever and body aches; allow prescribers not enrolled with Medicaid to write prescriptions for Medicaid patients; cover non-rebate-able products if drug shortages occur; and more.

HIPAA: Allow non-HIPAA compliant telehealth modes for telehealth visits or check-ins at the location of the patient, including the patient's home; waive HIPAA sanctions and penalties from noncompliance with certain HIPAA privacy regulations; and more.

Appeal and State Fair Hearing Request Deadlines: Provide an extension to file appeals; allow enrollees to have more time to request State Fair Hearings; and more.

Administrative Activities: Provide expedited authorization for all State Plan Amendments that impact Medicaid reimbursement to providers; temporarily delay, modify, or suspend CMS-certified facility survey activities; and more.

The full Illinois 1135 Waiver request will be posted on the HFS website with other COVID-19 related resources as soon as possible.