

**CMS 1135 Flexibility
Crosswalk to Non-substantive Clarifications**

Item	Existing dropdown list of Medicaid/CHIP flexibilities in the current approved 1135 Portal (OMB approved)	Non-substantive changes/clarifications to list of Medicaid/CHIP flexibilities
1	Temporary suspension of fee-for-service prior authorization requirements	Medicaid Authorizations - Suspend fee-for-service prior authorizations
2	Extension of pre-existing fee-for-service prior authorizations	Medicaid Authorizations - Extend pre-existing authorizations
3	Temporary suspension of Pre-Admission Screening and Annual Resident Review (PASRR) Level I and Level II assessments	Long Term Services and Supports (LTSS) - PASRR
4	Extension of timelines for service authorization decisions for managed care	Managed Care Appeals, Fair Hearings, and Continuation of Benefits – Modify authorization decision timelines Managed Care Appeals, Fair Hearings, and Continuation of Benefits-Modify continuation of benefits timelines
5	Extension of timelines for appeal requirements for managed care	Managed Care Appeals, Fair Hearings, and Continuation of Benefits-Modify adverse benefit appeals filing timelines Managed Care Appeals, Fair Hearings, and Continuation of Benefits-Modify timelines to resolve appeals Managed Care Appeals, Fair Hearings, and Continuation of Benefits-Modify state fair hearings timelines Managed Care Appeals, Fair Hearings, and Continuation of Benefits-Modify standard appeals timelines
6	Extension of timelines for state fair hearing requests and appeals	Fee for Service and Eligibility Fair Hearings-Extend fair hearing request timelines

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7	Extension of timeframe for reinstatement of services and benefits for a fair hearing request after the date of action	Fee for Service and Eligibility Fair Hearings-Extend timelines for reinstatement of benefits
8	Waiver of certain provider enrollment requirements	Provider Enrollment-Pause revalidation deadlines Provider Enrollment-Waive application fees Provider Enrollment-Waive criminal background checks Provider Enrollment-Waive site visits Provider Enrollment-Allow out-of-state provider reimbursement Provider Enrollment-Waive licensing requirements
9	Modification of deadline for initial level of care determinations for 1915(k) state plan benefits	Long Term Services and Supports (LTSS)-1915(k) State Plan Benefit-Level of Care Determinations Long Term Services and Supports (LTSS)-1915(k) State Plan Benefit-Person-Centered Service Plan Reviews
10	Modification of deadline for initial level of care determinations for 1915(c) HCBS waivers	Long Term Services and Supports (LTSS)-1915(c) Level of Care and Person-Centered Service Plan Timelines-Initial Evaluation of Need Long Term Services and Supports (LTSS)-1915(c) Level of Care and Person-Centered Service Plan Timelines-Review and Revision of Person-Centered Service Plan

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11	Modification of deadline for initial level of care determinations for 1915(k) state plan benefits and 1915(c) HCBS waivers	Please See items # 10 and 11 above for a breakout of 1915(k) state plan benefits and 1915(c) HCBS waivers that clarifies the selections for end users.
12	Modification of deadline for level of care redeterminations for 1915(c) HCBS waivers	Long Term Services and Supports (LTSS)-1915(c) Level of Care and Person-Centered Service Plan Timelines - Reevaluation
13	Modification of deadline for initial evaluations of eligibility and assessments of functional needs for 1915(i) state plan benefits	<p>Long Term Services and Supports (LTSS)-1915(i) Evaluations, Assessments and Person-Centered Service Plans-Initial Evaluation of 1915(i) Eligibility</p> <p>Long Term Services and Supports (LTSS)-1915(i) Long Term Services and Supports (LTSS)-1915(i) Evaluations, Assessments and Person-Centered Service Plans-Initial Independent Assessment of Need</p> <p>Long Term Services and Supports (LTSS)-1915(i) Evaluations, Assessments and Person-Centered Service Plans-Reassessments of Need</p> <p>Long Term Services and Supports (LTSS)-1915(i) Evaluations, Assessments and Person-Centered Service Plans-Review and Revision of the Person-Centered Service Plan</p>
14	Modification of deadline for re-evaluations of eligibility and reassessments of functional needs for 1915(i) state plan benefits	Long Term Services and Supports (LTSS)-1915(i) Evaluations, Assessments and Person-Centered Service Plans-Reevaluation of 1915(i) Eligibility
15	Modifications of deadline for initial assessments of functional need for 1915(k) state plan benefits	Long Term Services and Supports (LTSS)-1915(k) State Plan Benefit-Initial Assessments

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16	Modification of deadline for reassessments of functional need for 1915(k) state plan benefits	Long Term Services and Supports (LTSS)-1915(k) State Plan Benefit-Annual Reassessments
17	Modification of deadline for conducting initial assessments for 1915(j) self-directed Personal Assistance Services	Long Term Services and Supports (LTSS)-1915(j) State Plan Benefit-Initial Assessments
18	Modification of deadline for annual review of the service plan required for the 1915(j) state plan benefit.	Long Term Services and Supports (LTSS)-1915(j) State Plan Benefit-Annual Reviews
19	Allowing legally responsible individuals to render personal care services	Use of Legally Responsible Individuals to Render Personal Care Services
20	Temporary provision of HCBS in specified settings that have not been determined to meet HCBS settings criteria	Long Term Services and Supports (LTSS)-HCBS Settings Requirements-1915(c) Long Term Services and Supports (LTSS)-HCBS Settings Requirements-1915(i) Long Term Services and Supports (LTSS)-HCBS Settings Requirements-1915(k) Long Term Services and Supports (LTSS)-HCBS Settings Requirements-HCBS services in approved 1115 Demonstration
21	Temporary provision of HCBS by entities also providing case management services under a temporary waiver of conflict of interest requirements	Long Term Services and Supports (LTSS)-Conflict of Interest Requirements-1915(c) Long Term Services and Supports (LTSS)-Conflict of Interest Requirements-1915(i)

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		<p>Long Term Services and Supports (LTSS)-Conflict of Interest Requirements-1915(k)</p> <p>Long Term Services and Supports (LTSS)-Conflict of Interest Requirements-HCBS services in approved 1115 Demonstration</p>
22	Waive beneficiary and provider written consent of new or amended HCBS person-centered service plans	<p>Long Term Services and Supports (LTSS)-Person-Centered Plan Beneficiary and Provider Signatures-1915(k)</p> <p>Long Term Services and Supports (LTSS)-Person-Centered Plan Beneficiary and Provider Signatures-1915(c)</p> <p>Long Term Services and Supports (LTSS)-Person-Centered Plan Beneficiary and Provider Signatures-1915(i)</p> <p>Long Term Services and Supports (LTSS)-Person-Centered Plan Beneficiary and Provider Signatures-HCBS services in approved 1115 Demonstration</p>
23	Modification of deadline for a face-to-face encounter for 1905(a)(7) home health state plan services	Home Health State Plan Services Timeframe (Face-to-Face Encounters)
24	Allow individual's representative to render 1915(j) services	Long Term Services and Supports (LTSS)-1915(j) State Plan Benefit-Use of Representatives
25	Allow individual's representative to render 1915(k) services	Long Term Services and Supports (LTSS)-1915(k) State Plan Benefit-Use of Representatives

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26	Allow Private Duty Nursing (PDN) services to be delivered by a graduate registered nurse and/or graduate licensed practical nurse	Private Duty Nursing-Modify practitioner requirements Private Duty Nursing-Modify supervision requirements
27	Permit state and clinic to temporarily designate a clinic practitioner's location as part of the clinic facility so that clinic services may be provided via telehealth	Clinic Facility Requirement-Allow provision of clinic services via telehealth Clinic Facility Requirement-Allow provision of clinic services in alternative settings
28	Provision of clinic services within scope without supervision of physician or dentist	Physician Direction-Allow clinic services to be directed by other licensed professionals
29	Provision of psychiatric services under age 21 within scope without supervision of physician or dentist	Physician Direction-Allow inpatient psychiatric services for under 21 to be directed by other licensed professionals
30	Modification of deadline for conducting annual monitoring and follow-up activities for targeted case management	Targeted Case Management Timeline - Monitoring and Follow-Up Activities
31	Other	Other Section 1135 Waiver Flexibilities

Note: The following 1135 Flexibility will be deactivated in the portal and will no longer be visible to users when using the drop down menu: "Medicaid and CHIP (as of 3/13/2020)". This item is no longer relevant to 1135 Medicaid / CHIP waivers.