

**Justification for Non-substantive Change to
CMS 1135 Waiver/Flexibility Request and Inquiry Form - OCN# 0938-1384**

The Centers for Medicare and Medicaid Services (CMS) is requesting approval of a non-substantive change to the CMS 1135 Waiver/Flexibility Request and Inquiry Form web portal. The valid OMB control number for this information collection is 0938-1384 (Expires 05/31/2024). This is a voluntary information collection.

In January 2021, CMS launched the OMB-approved web-based portal to help standardize and simplify the electronic submission of 1135 Public Health Emergency (PHE) flexibility waiver requests and other PHE-related inquiries that CMS receives. The portal is available to the public at:
https://cmsqualitysupport.servicenowservices.com/cms_1135.

The portal was designed to reduce the burden for state government entities and healthcare providers by streamlining submission of 1135 PHE waiver requests and related inquiries. CMS mandated use for certain state government entities and healthcare providers when submitting COVID-19 waiver and inquiry requests. For example, the portal is currently used by CMS to process 1135 waiver and inquiry requests received from state survey and certification agencies and health care providers and facilities. At the time the portal was launched, CMS did not mandate its use specifically for State Medicaid Agencies (SMA).

In July 2021, CMS and their information technology contractor initiated a contract modification to streamline the front-end submission process previously built within the portal to allow SMAs to submit non-COVID-19 PHE waiver and flexibility requests to CMS.

The contract modification called for streamlining the Medicaid 1135 waiver option choices already built into the portal. This will facilitate SMA submission of previously authorized Medicaid 1135 waivers. Only non-substantive changes were made to the existing approved landing page to assist SMAs in electronically submitting information related to non-COVID-19 1135 PHE waivers and flexibility. Non-substantive edits were made to the existing Medicaid 1135 waiver dropdown list to streamline the data entry and submission process and auto-populate content within the portal form to reduce administrative burden for SMA submitters. The change also ensures that only SMAs can submit Medicaid 1135 waivers. Previously, providers were erroneously submitting Medicaid 1135 waiver requests; and needed to be redirected.

Please see Attachment 1 for a table listing of revisions to the data collection instrument. Please see Attachment 2 for the data collection instrument with changes highlighted in yellow. Please see Attachment 3 for a crosswalk of clarifications to the approved list of 1135 waivers reflecting a total of 32 previously approved 1135 waivers and a total of 56 clarifications with no new waivers added. One 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.

These modifications do not change the existing burden hours and costs approved within the original PRA submission.

Attachments

1. CMS 10752 1135 Waiver Flexibility Request and 1135 Inquiry Form Revision Table
2. CMS 10752 NEW 1135 Waiver-Inquiry Collection Instrument
3. CMS 1135 Flexibility Crosswalk to Non-substantive Clarifications