

Non-Substantive Change Request to 0938-1384: Submissions of 1135 Waiver Request Automated Process

March 13, 2023

This is a non-substantive change request to the CMS 1135 Waiver/Flexibility Request and CMS 1135 Inquiry web pages from the ‘Submission of 1135 Waiver Request Automated Process’ that was approved as OMB number 0938-1384. In a disaster or emergency, CMS must be able to apply waivers and flexibilities to assist health care providers/suppliers in providing timely healthcare and services as well as ensure beneficiaries have continued access to care. As a result, CMS developed a publically-accessible web based form to create a standardized, user-friendly submission that’s a more efficient processing of 1135 waiver requests.

In preparation for the end of the COVID-19 Public Health Emergency (PHE), CMS would like the ability to receive Individual 1135 waiver requests if the pandemic surges in pockets of the country after the end of the PHE (if applicable) as well as allow the agency to continue to receive inquiries (especially related to 1135 Waiver requests), via the web portal, for 60 days after the end of the PHE. The changes are as follows:

CMS 1135 Waiver/Flexibility Request web page

- Add a Public Health Emergency (PHE) on page 1, such that “1135 Waiver Request When No PHE Declared” is added in the drop-down values for the “Select a Public Health Emergency” section of the web form.
- Remove “other” option checkbox on page 1 for the “Describe your 1135 Waiver/Flexibility Request” section of the web form
- Limit the waiver request type values on page 2, such that “Condition of Participation and Payment ” are the only drop-down values for the “Waiver/Flexibility Types” section of the web form

CMS 1135 Inquiry web page

- Add an Inquiry Type on page 4, such that “End of COVID-19 PHE: 1135 Waiver Question ” is added in the drop-down values for the “Inquiry Type Options” section of the web form

These changes have no impact on the previously stated burden associated with this collection.