

PUBLICATION

CMS Approves Georgia's Section 1135 Waiver Request for Medicaid and PeachCare for Kids

Authors: Michelle A. Williams

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On April 2, 2020, Georgia Governor Brian Kemp and the Georgia Department of Community Health announced that the Centers for Medicare and Medicaid Services approved Georgia's Section 1135 waiver request. The waivers will provide health care providers and members flexibility with certain requirements of Medicaid and PeachCare for Kids so that they may better combat the public health emergency presented by COVID-19. The following Section 1135 waivers are effective from March 1, 2020 until termination of the public health emergency, including any extensions:

1. Temporary suspension of Medicaid fee-for-service prior authorization requirements for particular benefits;
2. Extension of pre-existing authorizations for which a beneficiary has previously received prior authorization from March 1, 2020 through the end of the public health emergency;
3. Suspension of Pre-Admission Screening and Annual Resident Review (PASRR) Level I and Level II assessments for 30 days;
4. Extension of state fair hearing requests and appeals timelines;
5. Authorization to provisionally and temporarily enroll out-of-state providers who are enrolled with another state's Medicaid or Medicare program;
6. Waiver of application fees, criminal background checks, site visits and in-state licensure requirements for out-of-state providers who are not enrolled with another state's Medicaid or Medicare program;
7. Temporary cessation of the revalidation of providers who are located in Georgia or are otherwise directly impacted by the emergency; and
8. Authorization to allow certain facilities to be fully reimbursed for services rendered to an unlicensed facility.

Note: Sections 5-7 apply to the Children's Health Insurance Program (CHIP) to the extent applicable.

In its letter to Lynnette Rhodes, Executive Director of Medical Assistance Plans Division with the Georgia Department of Community Health, CMS stated that it would continue to work on additional waiver or modification requests that are not currently reflected in the approval.

If you have any questions regarding these issues, or any other health care regulatory or transactional matters, please contact any other member of [Baker Donelson's Health Law Team](#).