



National Indian Health Board NATIONAL TRIBAL COVID-19 RESPONSE

910 Pennsylvania Avenue, SE | Washington, D.C. 20003 | 202-507-4070 | www.nihb.org

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Section 1135 Medicaid Waiver Authority – Alabama

Background

When the President of the United States declares a disaster or emergency under the Stafford Act or National Emergencies Act and the Department of Health and Human Services (HHS) Secretary declares a public health emergency under Section 319 of the Public Health Service Act, the HHS Secretary is authorized to use Section 1135 of the Social Security Act to modify certain Medicare, Medicaid, and Children's Health Insurance Program (CHIP) requirements in order to allow states to respond to the emergency.

On March 23, 2020, the Centers for Medicare & Medicaid Services (CMS) approved Alabama's Section 1135 waiver, accessible [here](#).

On May 8, 2020, CMS approved Alabama's 2nd Section 1135, accessible [here](#).

This one-pager is meant to be a general guide and is not an exhaustive description of the waiver.

What does Alabama's Section 1135 waiver look like?

Provider Enrollment

CMS authorized Alabama to expedite the enrollment of out of state providers who are not currently enrolled in the state's Medicaid program. Alabama may continue to use existing procedures to enroll out of state providers who are already in the state's Medicaid program (with one small exception, CMS is waiving the limit on claims within a 180 day period).

CMS has also authorized providers not currently enrolled in Medicare or another state's Medicaid agency to temporarily enroll in Alabama's programs. To make this possible, Alabama will be allowed to waive application fee requirements, criminal background checks, site visits, and state licensure requirements. However, the program provider must maintain an out of state license. To these temporarily authorized providers, Alabama must cease payment within six months of the emergency declaration being lifted, unless the providers submit an application for full participation in the program and are approved.

CMS has also authorized the state's request to temporarily cease revalidation of providers who are located in Alabama or otherwise impacted by the emergency.



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Pre-Approval Requirements

Alabama is also authorized to temporarily waive or modify pre-approval requirements for Medicaid procedures through its fee for service program. This applies to services provided on or after March 1, 2020, through the termination of the emergency.

Pre-Admission Screening and Annual Resident Review

Level 1 and 2 assessments can be waived for 30 days and all new admissions may be treated like exempt hospital discharges. While CMS is not setting a time frame for the completion of Resident Reviews, reviews should be completed on new admissions having a mental illness or intellectual disability diagnosis as soon as resources are available.

How does this affect Tribes?

If a state seeks a Section 1135 waiver, Tribes are impacted by its provisions. Alabama has one federally recognized Tribe, the Poarch Band of Creek Indians.



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Medicaid Disaster State Plan Amendment - Alabama

Background

The Medicaid State Plan is the foundational document for a state's Medicaid program; it sets the rules for eligibility, benefits, and payments. Before a state can participate in the Medicaid program, it must file a state plan with the Centers for Medicare & Medicaid Services (CMS). There are certain requirements that a state plan must adhere to and if a state wishes to deviate from these statutory requirements, they must seek a waiver (such as a Section 1115 or Section 1915 waiver) of the usual Medicaid rules. When a state wants to amend their State Plan, they have to file what is called a "State Plan Amendment" (SPA).

On April 6, 2020, Alabama was approved for an Emergency State Plan Amendment in order to respond to COVID-19. You can find that [here](#).

On April 7, 2020, Alabama was approved for a second Emergency SPA. You can find that [here](#).

On April 13, 2020, Alabama was approved for a third Emergency SPA. You can find that [here](#).

On May 11, 2020, Alabama was approved for a fourth Emergency SPA. You can find that [here](#).

On May 27, 2020, Alabama was approved for a fifth Emergency SPA. You can find that [here](#).

On October 30, 2020, Alabama was approved for a sixth Emergency SPA. You can find that [here](#).

All approvals are for the duration of the federally declared COVID-19 emergency, unless stated otherwise.

COVID-19 Testing

Alabama is amending their State Plan to provide for payment for testing for the uninsured eligibility group.

Premiums and Cost-Shares

Alabama is amending their State Plan to suspend copays and premium requirements.

Telehealth

Alabama is amending their State Plan to allow for an expansion of telehealth. They're allowing the use of interactive audio/video communication between physician and patient. They're also allowing physicians and other licensed practitioners covered by the state plan to perform evaluation and management services, therapies, and other medically necessary services utilizing telephone communications.



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Prior Authorization

Alabama is amending their State Plan to remove restrictions on emergency ambulance destinations and prior authorization will not be required for nonemergency services.

Rate Increases

Alabama is amending their State Plan to authorize a \$20.00 per diem add on payment for nursing homes in order to help cover increased expenses created by COVID-19.

The state is also going to be providing a 20% increase in per diem rates for all COVID-19 diagnosis patients for hospital inpatient stays due to increases in cost associated with staffing, supplies, social distancing standards and other factors.

Questions?

Please contact Christopher Chavis, Policy Analyst, at 202-750-3402 or at cchavis@nihb.org.