



MISSISSIPPI DIVISION OF
MEDICAID

March 18, 2020

Jackie Glaze
Acting Director
Medicaid and CHIP Operations Group Center
7500 Security Boulevard
Baltimore, MD 21244-1850

Dear Ms. Glaze:

This letter serves as a request from the Mississippi Division of Medicaid (MSDOM) to the Secretary of Health and Human Services (HHS) for discretion to exercise the following waivers and modifications as needed under Section 1135 of the Social Security Act (the Act). Approval of these requests will help MSDOM ensure that its beneficiaries will continue to have access to medical care during the current National State of Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak, declared by the President of the United States on March 13, 2020. These requests include the following:

1. **Prior Authorization (PA) Requirements:** We respectfully request a blanket waiver be issued allowing MSDOM to relax PA requirements as necessary, including certain PA submission timeframes, documentation requirements, and level of care decisions.
2. **Waiver of Pre-Admission Screening and Annual Resident Review (PASRR) Level I and Level II Assessment Requirements:** We respectfully request a blanket waiver be issued to waive the requirement for completing PASRR assessments.
3. **Provide Flexibility to Temporarily Delay Scheduling of Medicaid Fair Hearings and Issuing Fair Hearing Decisions during the Emergency Period:** We respectfully request a blanket waiver be issued to temporarily delay aspects of the Medicaid Fair Hearing process.
4. **Provider Enrollment:** We respectfully request a blanket waiver be issued to allow the MSDOM to waive FFS screening requirements and MSCAN credentialing requirements so that providers may provisionally and temporarily be enrolled. It is expected that at the end of the emergency period, a temporarily enrolled provider will be required to submit a full application and comply with the above-referenced requirements if that provider wishes to continue as a MSDOM provider beyond the emergency period.
5. **Alternative Settings:** We respectfully request a blanket waiver to allow facilities to provide services in alternative settings as necessary.
6. **Provider Revalidation Efforts:** We respectfully request a blanket waiver be issued allowing MSDOM to temporarily cease revalidation of providers.

7. Emergency Medical Treatment and Labor Act (EMTALA): We respectfully request a blanket waiver for sanctions under section 1867 of the Act for the direction or relocation of an individual to another location to receive medical screening in an alternate location pursuant to an appropriate State of Mississippi emergency preparedness plan and/or State of Mississippi pandemic preparedness plan.

8. Critical Access Hospitals: We respectfully request a blanket waiver to allow a critical access hospital to operate beyond the 25 bed limit, if the hospital has the capacity, and waiver of the 96 hour length-of-stay requirement.

9. HIPAA Regulations: We respectfully request a blanket waiver of sanctions and penalties arising from noncompliance with certain HIPAA regulations, including:

1. Obtaining a patient's agreement to speak with family or friends,
2. Honoring a patient's request to opt out of the facility directory,
3. Distributing a notice of privacy practices, or
4. The patient's right to request confidential communications.

10. Telehealth Security Requirements/HIPAA: We respectfully request waiver of HIPAA Security Requirements for transmission of telehealth services. Many facilities are not prepared with secure platforms that they own and control that are also accessible to the patient. The request is to allow providers to use readily available platforms like Facetime, WhatsApp, Skype, etc. to facilitate the telehealth visit with the patient at home. Any providers wishing to continue telehealth treatment after the emergency period would have to acquire HIPAA-compliant telehealth technology and ensure that the beneficiary had the same at that time.

MSDOM also asks that any approved requests be applied to MSDOM's fee-for-service (FFS) and managed care (MSCAN) delivery models, as well as the separate Children's Health Insurance Program (MSCHIP).

Thank you for your consideration of our requests. If MSDOM can provide any further information that would be helpful to HHS's determination, please contact Margaret Wilson at Margaret.Wilson@medicaid.ms.gov or (601) 506-3377 at any time.

Sincerely,



Drew L. Snyder
Executive Director