

**MAY 27 2021**

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 notice from the Mississippi Division of Medicaid (DOM) to the Secretary of Health and Human Services (HHS) that DOM will end the following temporary Section 1135 waiver flexibilities, effective June 30, 2021. Approval of these requests helped DOM ensure that its beneficiaries continued 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. Looking ahead to the end of the Public Health Emergency (PHE), DOM will revert to requirements in place prior to the PHE. The following will end, effective June 30, 2021:

1. **Prior Authorization (PA) Requirements:** The temporary suspension will be lifted, and proper notice will be given to beneficiaries with pre-existing prior authorizations.
2. **Waiver of Pre-Admission Screening and Annual Resident Review (PASRR) Level I and Level II Assessment Requirements:** Standard practices will be restored to those in effect prior to the PHE, and proper notice will be given to providers.
3. **Flexibility to Temporarily Delay Scheduling of Medicaid Fair Hearings and Issuing Fair Hearing Decisions during the Emergency Period:** Extensions will no longer be provided.
4. **Alternative Settings:** This flexibility will end, and proper notice will be given to providers.
5. **Emergency Medical Treatment and Labor Act (EMTALA):** This flexibility will end, and proper notice will be given to providers.
6. **Critical Access Hospitals:** This flexibility will end, and proper notice will be given to providers.
7. **HIPAA Regulations:** The following HIPAA flexibilities will end with proper notice to the providers:
 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,

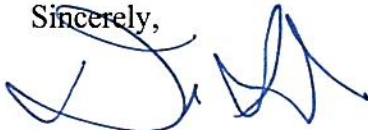
3. Distributing a notice of privacy practices, or
 4. The patient's right to request confidential communications.
8. Telehealth Security Requirements/HIPAA: DOM is discontinuing this flexibility under the authority of Section 1135 of the Social Security Act. To ensure continued access to telehealth services without risk of a HIPAA penalty, DOM will continue to allow providers to operate under the enforcement discretion provided by the Office of Civil Rights (OCR) at the U.S. Department of Health and Human Services (HHS) on March 17, 2020, for the remainder of the PHE.

DOM will continue the following flexibilities until the end of the PHE:

1. Provider Enrollment: We will continue this flexibility until the end of the PHE to allow the DOM to waive fee-for-service (FFS) screening requirements and Mississippi Coordinated Access Network (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 DOM provider beyond the emergency period.
2. Provider Revalidation Efforts: We will continue this flexibility until the end of the PHE allowing DOM to temporarily cease revalidation of providers.

If DOM can provide any further information that would be helpful to HHS, please contact Margaret Wilson at Margaret.Wilson@medicaid.ms.gov or (601) 359-5248 at any time.

Sincerely,



Drew L. Snyder
Executive Director