

Special Needs ——— ————— Plan Alliance

Understanding CMS Public Health Emergency (PHE) Declarations and Section 1135 Waiver Flexibilities

Section 1135 of the Social Security Act authorizes the Secretary of Health and Human Services to waive or modify certain Medicare, Medicaid, and CHIP requirements. These waivers are used to ensure that sufficient health care items and services are available to meet the needs of enrollees in an area affected by a federally-declared Public Health Emergency (PHE). These include (but are not limited to) hurricanes, wildfires, floods, influenza outbreaks, and earthquakes.

The waivers allow health care providers to be exempt from certain statutory requirements of the Social Security Act and its implementing regulations. Medicare Advantage Special Needs Plans may ask for Section 1135 waivers which include flexibilities such as provider enrollment, payment of providers who do not have provider participation contracts with State Medicaid Agencies, payment of providers for Medicare and Medicaid services who may be private pay, only.

To view a SNP Alliance webinar on Section 1135 Waivers, [click here](#)

To view the CMS webpage on Section 1135 waivers, click here [1135 Waivers | CMS](#)

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