



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**
Division of Health Benefits

ROY COOPER • Governor

MANDY COHEN, MD, MPH • Secretary

DAVE RICHARD • Deputy Secretary, NC Medicaid

January 13, 2021

Ms. Jackie Glaze
Associate Regional Administrator
Department of Health & Human Services
Centers for Medicare & Medicaid Services
Atlanta Regional Office
61 Forsyth Street, Suite 4T20
Atlanta, Georgia 30303

Via email transmittal to Jackie.Glaze@cms.hhs.gov

Dear Ms. Glaze:

The North Carolina Department of Health and Human Services ("DHHS") writes to request approval for certain waivers under section 1135 of the Social Security Act (the "Act") as related to the Novel Coronavirus Disease ("COVID-19") pandemic. As you know, the Secretary of Health and Human Services (the "Secretary") invoked his authority under section 1135 on March 13, 2020 (the "Secretary's 1135 Waiver") in light of the President's declaration of a national emergency earlier that day, and the Secretary's prior declaration of a nationwide health emergency on January 31, 2020. The Secretary has authorized a waiver or modification of certain federal requirements pertaining to Medicare, Medicaid, and the Children's Health Insurance Program ("CHIP") as necessary to ensure that:

- "[S]ufficient health care items and services are available to meet the needs" of beneficiaries in these programs; and
- Providers may be reimbursed for, and protected against sanctions in connection with, services furnished in good faith during the emergency, notwithstanding their inability to comply certain program requirements as a result of the emergency situation created by COVID-19.¹

Subsequently, CMS [issued](#) a series of blanket waivers beginning on March 13, 2020, followed by periodic updates. It also [approved](#) on March 23, 2020 [and](#) August 28, 2020, a series of waivers requested by DHHS. DHHS and impacted health care providers and suppliers are currently exercising flexibilities granted in these waivers.

This letter serves to request that CMS approve a certain additional waiver described below.

¹ Waiver or Modification of Requirements Under Section 1135 of the Social Security Act, Public Health Emergency, U.S. Dep't of Health & Human Services ("HHS") (Mar. 13, 2020), <https://www.phe.gov/emergency/news/healthactions/section1135/Pages/covid19-13March20.aspx>.

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NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF HEALTH BENEFITS

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Request for Modifications under Section 1135 Pursuant to section 1135(b)(5) and/or 1135(b)(1)(C) of the Act

The state Medicaid agency requests modification of SPA submission requirements at 42 C.F.R. 430.20 in order to submit a SPA implementing section 1905(a)(29) of the Act by March 31, 2021 that would take effect on October 1, 2020. Pursuant to section 1135(b)(5) and/or 1135(b)(1)(C) of the Act, the state Medicaid agency requests modification of the public notice time frames set forth at 42 C.F.R. 447.205 in order to obtain an effective date of October 1, 2020 for its SPA implementing statewide methods and standards for setting payment rates for the benefit described at section 1905(a)(29) of the Act. The state will issue public notice as soon as possible, and in no event later than February 28, 2021.

The contact person for this waiver request is:

Dave Richard
Deputy Secretary, NC Medicaid
Department of Health and Human Services, Division of Health Benefits
1985 Umstead Drive
2501 Mail Service Center
Raleigh, NC 27699-2501
dave.richard@dhhs.nc.gov

The expected duration of the waiver is March 1, 2020 (the effective date of the Secretary's 1135 Waiver) until the COVID-19 national public health emergency terminates.

Thank you for considering these requests so that North Carolina can effectively manage this difficult and unprecedented epidemic.

Sincerely,

DocuSigned by:

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Dave Richard
Deputy Secretary, NC Medicaid