

ASPR TRACIE Technical Assistance Request

Request Receipt Date (by ASPR TRACIE): 4 August 2021

Response Date: 5 August 2021

Type of TA Request: Standard

Request:

The requestor contacted ASPR TRACIE and had specific questions pertaining to the Centers for Medicare & Medicaid Services (CMS) Emergency Preparedness (EP) Rule. The requestor asked if the State ends their COVID-19 public health emergency declaration, will the Federal emergency declaration 1135 blanket waivers still apply.

Response:

The ASPR TRACIE Team reached out to Subject Matter Experts at the CMS Quality, Safety & Oversight Group (QSOG) for a response related to the requestor's requirement-specific questions. CMS provided the following response:

Since March 2020, CMS continues to issue 1135 waiver requests. Under **Section 1135 or 1812(f) of the Social Security Act**, CMS can issue several blanket waivers when there is a disaster or emergency. Blanket waivers prevent gaps in the access to care for beneficiaries affected by the emergency. When a blanket waiver is issued, providers do not have to apply for an individual waiver. To find a copy of the current BLANKET 1135 Waiver requests, please go to the following links. (**REMINDER:** Blanket 1135 Waiver Requests do not require you to submit):

[Current emergencies | CMS](#)

or

[COVID-19 Emergency Declaration Blanket Waivers for Health Care Providers \(cms.gov\)](#)

If there is no blanket waiver, providers can ask for an individual Section 1135 waiver. To submit an 1135 waiver request, use the following site:

<https://www.cms.gov/About-CMS/Agency-Information/Emergency/EPRO/Resources/Waivers-and-flexibilities>

This site also includes training materials (Videos and Quick Start Guides). In addition, you can also submit your subsequent Public Health Emergency (PHE) Related Inquiries via the same web portal.

NOTE: CMS noted that they are currently in discussions about this issue and will provide further information as appropriate.

CMS-Specific Information:

CMS published the [interpretive guidelines](#) and the State Operations Manual that addresses specific regulatory expectations.

ASPR TRACIE has developed and collected a number of resources that we encourage you to use and believe will help facilitate compliance, including the resources provided in this response. However, this does not substitute review of the final rule text and interpretive guidelines. If you have specific questions about your facility's compliance, please review the interpretive guidelines or contact your state's survey agency or the CMS QSOG at the following email address: QSOG_EmergencyPrep@cms.hhs.gov.

CMS and ASPR TRACIE are partnering to provide technical assistance, and share resources and promising practices to help affected providers and suppliers start or update the documents mandated by the CMS EP Rule. Additional key resources include:

- The ASPR TRACIE dedicated CMS Rule page: <https://asprtracie.hhs.gov/cmsrule>
- The entire CMS Emergency Preparedness Rule: <https://federalregister.gov/a/2016-21404>
- The CMS Emergency Preparedness Survey and Certification Page: <https://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/SurveyCertEmergPrep/Emergency-Prep-Rule>
- CMS has [developed a Quick Glance Table of the rule requirements by provider type](#), to highlight key points of the new Emergency Preparedness rule. **NOTE:** This table is not meant to be an exhaustive list of requirements nor should it serve as a substitute for the regulatory text.
- ASPR TRACIE developed a [CMS Emergency Preparedness \(EP\) Rule Resources at Your Fingertips](#) document. Within this document are links to key resources:
 - CMS' developed [frequently asked questions \(FAQ\) documents](#) that synthesizes answers to commonly asked inquiries about the CMS EP Rule.
 - The FAQs, in combination with the CMS [at-a-glance chart](#) and [Provider and Supplier Type Definitions Fact Sheet](#), can help planners identify and address planning gaps and facilitate compliance with the regulations.
 - Interested in learning more about your local healthcare coalition? [This chart](#) can help you identify the preparedness office of your state public health agency. Remember: the release of the CMS EP Rule provides healthcare coalitions a tremendous opportunity to strengthen relationships and leverage a broader group of personnel and resources to provide for the medical needs of the whole community during a disaster.
 - To review the Medicare Learning Network National Call on the CMS EP Rule, you can access the PowerPoint [slides](#), [transcript](#), and [audio recording here](#).