



THE SECRETARY OF HEALTH AND HUMAN SERVICES
WASHINGTON, D.C. 20201

SUPPLEMENTAL WAIVER UNDER SECTION 1135
OF THE SOCIAL SECURITY ACT

September 29, 2005

Pursuant to Section 1135(b) of the Social Security Act (the Act) (42 U.S.C. § 1320b-5), I hereby waive the following requirements of titles XVIII, XIX, or XXI of the Act or regulations thereunder, and the following requirements of Title XI of the Act, and regulations thereunder, insofar as they relate to Titles XVIII, XIX, or XXI of the Act, but in each case, only to the extent necessary to ensure that sufficient health care items and services are available to meet the needs of individuals enrolled in the Medicare, Medicaid and SCHIP programs and to ensure that health care providers that furnish such items and services in good faith, but are unable to comply with one or more of these requirements as a result of the effects of Hurricane Katrina, may be reimbursed for such items and services and exempted from sanctions for such noncompliance, absent any determination of fraud or abuse:

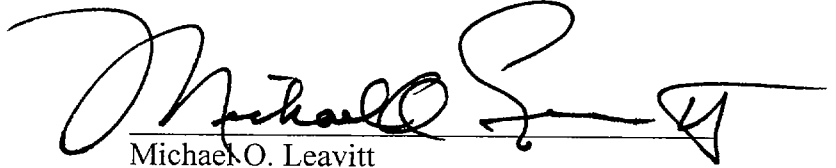
1. Sanctions under section 1877(g) (relating to limitations on physician referral) under such conditions and in such circumstances as the Centers for Medicare & Medicaid Services determines appropriate.

This supplemental waiver will become effective at 5:00 p.m. Eastern Standard Time on October 1, 2005, but will have retroactive effect to August 24, 2005 in Florida; August 29, 2005 in Alabama, Louisiana, Mississippi, Arkansas, Colorado, Georgia, North Carolina, Oklahoma, Tennessee, West Virginia, and Utah; and September 2, 2005 in Texas, and continue through the period described in Section 1135(e)(1), unless extended by notice as provided in Section 1135(e)(2).

The waivers and modifications described herein apply in the geographic area covered by the President's declarations, pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, on August 24, 2005 of a major disaster in Florida, on August 29, 2005 of major disasters in Alabama, Louisiana, and Mississippi, on September 2, 2005 of an emergency in Texas, on September 2, 2005 of an emergency in Arkansas, and on September 5, 2005 of an emergency in Colorado, Georgia, North Carolina, Oklahoma, Tennessee, West Virginia, and Utah, all due to Hurricane Katrina; my August 31, 2005 determination, pursuant to Section 319 of the Public Health Service Act, that a public health emergency exists and has existed since August 24, 2005 in Florida and since August 29, 2005 in Alabama, Louisiana, and Mississippi due to Hurricane Katrina; my September 4, 2005 determination, pursuant to Section 319 of the Public Health Service Act, that a public health emergency exists and has existed since September 2, 2005 in Texas; and my September 7, 2005 determination, pursuant to Section 319 of the Public

Health Service Act, that a public health emergency exists and has existed since August 29, 2005 in Arkansas, Colorado, Georgia, North Carolina, Oklahoma, Tennessee, West Virginia, and Utah.

The waiver and modification described herein is in addition to the waivers and modifications described in the September 7, 2005 WAIVER UNDER SECTION 1135 OF THE SOCIAL SECURITY ACT.

A handwritten signature in black ink, appearing to read "Michael O. Leavitt", with a stylized flourish at the end.

Michael O. Leavitt
Secretary
Department of Health and Human Services