

**Section 1135 Waiver Template for  
Medicaid State Plan Amendments and 1915(c) Home and Community-Based Services  
Waiver Appendix K Amendments**

Under section 1135 of the Social Security Act, the HHS Secretary may temporarily waive or modify certain Medicaid requirements to ensure that sufficient health care services are available to meet the needs of individuals in an area affected by a federally declared Public Health Emergency (PHE) pursuant to section 319 of the Public Health Service Act. This standalone template may be utilized by the state to request 1135 waiver approval to waive or modify certain submission requirements for Medicaid State Plan Amendments (SPAs) and 1915(c) Home and Community-Based Services (HCBS) Appendix K Amendments (Appendix K). The completed template must accompany the corresponding SPA or Appendix K submission.

- **Scope of Waivable Requirements:** For Medicaid SPAs, Section 1135 waivers may modify submission deadlines, public notice, and Tribal consultation timelines. For Appendix Ks, only Tribal consultation timelines may be waived as submission deadlines and public notice are not required.
- **Restrictions on Waiver Use:** Section 1135 waivers cannot be approved for actions that reduce services, limit eligibility or payments, or impose burdens on beneficiaries or providers. Separate Section 1135 waiver requests must be submitted for each SPA or Appendix K.

State: **State**

SPA Transmittal or Appendix K Control Number: **Number**

The agency seeks the following under Section 1135(b)(5) of the Social Security Act (check all that apply):

- ☐ **SPA Submission Deadlines:** Pursuant to Section 1135 (b)(5) of the Act, allows modification of the requirement described in 42 C.F.R. § 430.20 to submit the SPA by the last day of a quarter, in order to obtain an effective date during that quarter (applicable only for quarters in which the emergency or disaster declaration is in effect).
- ☐ **SPA Public Notice Requirements:** Pursuant to Section 1135 (b)(5) of the Act, allows a modification of public notice requirements that would otherwise be applicable to SPA submissions. These requirements may include those specified in 42 C.F.R. § 440.386 (Alternative Benefit Plans), 42 C.F.R. § 447.57(c) (premiums and cost sharing), and 42 C.F.R. § 447.205 (public notice of changes in statewide methods and standards for setting payment rates). Please describe the modifications requested:

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- ☐ **SPA or Appendix K Tribal Consultation:** Pursuant to Section 1135 (b)(5) of the Act, allows modification of the required Tribal consultation timelines specified in the Medicaid state plan, and applicable to 1915(c) waivers, per Section 1902(a)(73) of the Act. Please describe the modifications requested:

**Justification for 1135 Waiver Request:** Please provide the justification for requested flexibilities:

***PRA Disclosure Statement:** Under the Privacy Act of 1974 any personally identifying information obtained will be kept private to the extent of the law. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. The OMB control number for this project is 0938-1148 (CMS-10398 # 75). Public burden for all of the collection of information requirements under this control number is estimated to take up to 1 hour per response. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to CMS, 7500 Security Boulevard, Attn: Paperwork Reduction Act Reports Clearance Officer, Mail Stop C4-26-05, Baltimore, Maryland 21244-1850.*