

INSTRUCTIONS TO PACE ORGANIZATIONS FOR PREPARING
AND SUBMITTING WAIVER REQUESTS TO STATE
ADMINISTERING AGENCIES UNDER THE AUTHORITY OF
SECTION 903 OF THE BENEFITS IMPROVEMENT AND
PROTECTION ACT

Any PACE organization that identifies the need for a BIPA 903 waiver should include the following information in their waiver submission package:

- 1) Identification that the submitted document is a waiver request;
- 2) Identification of the regulatory section the PACE organization is requesting to have waived;
- 3) Rationale behind the waiver request;
- 4) If applicable, process that will be followed to ensure participant care is not compromised; and
- 5) Identification as to whether the issue was previously submitted as a BIPA 902 grandfathering request or if it is a new request under section 903 of the BIPA.

Waiver requests may be submitted to the State under either of the following situations:

- 1) Waiver request accompanying an application; or
- 2) Waiver request independent of an application

Waiver requests submitted in conjunction with provider applications must be marked as separate documents by placing them in an independent envelope labeled "waiver request". Waiver requests submitted independent of an application, as stand-alone documents must also be clearly labeled "waiver request".

Waiver requests must be submitted to the State Administering Agency. The request will be reviewed by the State and then forwarded to the CMS with any comments and concerns. The CMS will arrive at a determination within 90 days of the receipt of the waiver request in the Center for Medicare Management within the CMS' central office.

For additional details regarding the submission and evaluation of waiver requests, please refer to 42 CFR § 460.26.