

DEPARTMENT OF HEALTH & HUMAN SERVICES  
Centers for Medicare & Medicaid Services  
7500 Security Boulevard  
Baltimore, Maryland 21244-1850

JSM/TDL-10036, 10-29-09

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**MEMORANDUM**

**DATE:** October 29, 2009

**FROM:** Director, Provider Billing Group  
Center for Medicare Management

Director, Medicare Contractor Management Group  
Center for Medicare Management

**SUBJECT:** Section 1135 Waivers for H1N1 Influenza Emergency

**TO:** All Fiscal Intermediaries (FIs), Regional Home Health Intermediaries (RHHIs), Carriers, Durable Medical Equipment Medicare Administrative Contractors (DME MACs), and Part A and Part B Medicare Administrative Contractors (A/B MACs)

The Secretary of Health and Human Services has invoked her waiver authority under Section 1135 of the Social Security Act. This allows for the waiver or modification of certain Medicare, Medicaid, and Children's Health Insurance Program (CHIP) requirements to ensure that sufficient health care items and services are available to meet the needs of individuals enrolled in Social Security Act programs in the emergency area and for the time periods covered by the 1135 authority.

Requests by providers to operate under the flexibilities afforded by the waiver should be sent to the state survey agency or the Centers for Medicare & Medicaid Services' (CMS) Regional Office. Contractors who receive waiver requests directly should forward them to the appropriate CMS Regional Office:

[ROATLHSQ@cms.hhs.gov](mailto:ROATLHSQ@cms.hhs.gov) (Atlanta RO): Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee

[RODALDSC@cms.hhs.gov](mailto:RODALDSC@cms.hhs.gov) (Dallas RO): Arkansas, Louisiana, New Mexico, Oklahoma, Texas

[ROPHIDSC@cms.hhs.gov](mailto:ROPHIDSC@cms.hhs.gov) (Northeast Consortium): Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia, New York, New Jersey, Puerto Rico, Virgin Islands, Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont

[ROCHISC@cms.hhs.gov](mailto:ROCHISC@cms.hhs.gov) (Midwest Consortium): Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin, Iowa, Kansas, Missouri, Nebraska

[ROSFOSO@cms.hhs.gov](mailto:ROSFOSO@cms.hhs.gov) (Western Consortium): Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming, Alaska, Idaho, Oregon, Washington, Arizona, California, Hawaii, Nevada, Pacific Territories.

Further information on the 1135 Waiver process can be found at:

<http://www.cms.hhs.gov/H1N1/>. A detailed paper outlining the 1135 waiver process may be found at <http://www.cms.hhs.gov/H1N1/Downloads/RequestingAWaiver101.pdf>.

Questions regarding 1135 that are not addressed at the above website can be sent to the following mailbox: [Pandemic@cms.hhs.gov](mailto:Pandemic@cms.hhs.gov)

Please visit our website at <http://www.cms.hhs.gov/H1N1/> for continual updates related to H1N1 influenza.

**NOTE: MEDICARE ADMINISTRATIVE CONTRACTORS (MACs)**

**DME MAC Contract Numbers**

Jurisdiction A ~ HHSM-500-2006-M0001Z

Jurisdiction B ~ HHSM-500-2006-M0002Z

Jurisdiction C ~ HHSM-500-2006-M0006Z

Jurisdiction D ~ HHSM-500-2006-M0004Z

**A/B MAC Contract Numbers**

Jurisdiction 1 ~ HHSM-500-2008-M0002Z

Jurisdiction 3 ~ HHSM-500-2006-M0005Z

Jurisdiction 4 ~ HHSM-500-2007-M0001Z

Jurisdiction 5 ~ HHSM-500-2007-M0002Z

Jurisdiction 9 ~ HHSM-500-2008-M0008Z

Jurisdiction 10~HHSM-500-2009-M0004Z

Jurisdiction 12~HHSM-500-2008-M0001Z

Jurisdiction 13~HHSM-500-2008-M0004Z

Jurisdiction 14~HHSM-500-2009-M0002Z

**This Joint Signature Memorandum is being issued to you as technical direction under your MAC contract and has been approved by your Project Officer. This technical direction is not construed as a change or intent to change the scope of work under the contract and is to be acted upon only if sufficient funds are available. In this regard, your attention is directed to the clause of the General Provisions of the contract entitled Limitation of Cost, FAR 52.232-20. If the Contractor considers anything contained herein to be outside of the current scope of the contract, or contrary to any of its terms or conditions, the Contractor shall immediately notify**

**the Contracting Officer in writing as to the specific discrepancies and any proposed corrective action.**

Should you require further technical clarification, you may contact your Project Officer. Contractual questions should be directed to your CMS Contracting Officer. Please copy the Project Officer and Contracting Officer on all electronic and/or written correspondence in relation to this technical direction letter.

If you are a FI, RHHI, or carrier and have any questions regarding this joint signature memorandum/technical direction letter, please contact David Wright at 214-767-6346.

/s/  
Stewart Streimer

/s/  
Karen Jackson

**cc: (JSM/TDL-10036 has been approved by the MAC Project Officers)**

Andrew Conn, National Heritage Insurance Company

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