

1115 Waivers: A Brief Overview

Introduction

An 1115 waiver is an experimental, pilot, or demonstration project that promotes the objectives of Medicaid and CHIP. The waiver tests a hypothesis and states must develop an evaluation design to test it. 1115 Waivers must be budget neutral meaning the waiver will not increase federal Medicaid expenditures. An 1115 is generally approved by CMS for an initial 5 year period and can be extended.

Application

States can develop their own application or use a [CMS template](#), which includes the following categories:

- Description of the program
- Eligibility criteria
- Benefits and cost sharing requirements
- Delivery system and payment rates
- Implementation date and approach
- Financing and budget neutrality
- Proposed waivers and expenditure authorities
- Public notice and public hearing information

Prior to submission states may consult with CMS or submit a pre-application concept paper to CMS. Applications must be submitted both electronically and as a printed document. Applications will be approved no sooner than 45 days after notice of receipt of a completed application.

Public Notice Process

CMS requires a 30 day state public notice and comment period for 1115 applications. This includes a detailed public notice and an abbreviated public notice. Two public hearings must be held at least 20 days prior to submission of an 1115 application. Public notice information including the state's notice/comment process and a copy of application must be posted on the state agency's main website page or must be linked to from the main page. Additionally, the state must use an email list to notify interested parties as well as conduct tribal consultation. State public notice requirements are found in [42 CFR 431.408](#). CMS will conduct a 30 day federal public notice process within 15 days of receiving the application.

Monitoring and Compliance

State must perform periodic review of the implementation of the waiver. Within 6 months of the implementation date the state must hold a public forum to solicit comments on the progress of the waiver. A public forum must be held annually thereafter. Requirements regarding this are found in [42 CFR 431.420](#).

Reporting Requirements

The state must submit a draft annual report to the CMS. The draft report must be published on the state's website. CMS will provide the state comments. The state must publish the final report on its website. Requirements regarding the report are found in [42 CFR 431.428](#).