

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
7500 Security Boulevard, Mail Stop S2-25-26
Baltimore, Maryland 21244-1850



State Demonstrations Group

August 6, 2020

Stephanie Azar
Commissioner
Alabama Medicaid Agency
501 Dexter Avenue
Montgomery, Alabama 36103

Dear Ms. Azar:

Thank you for your request for a new section 1115 demonstration entitled, “Alabama Community Waiver Program.” The Centers for Medicare & Medicaid Services (CMS) received Alabama’s new application request on July 30, 2020. We have completed a preliminary review of your request in accordance with the requirements of 42 CFR 431.412(a) and have determined that the state’s application meets these requirements for a complete application.


In light of the national public health emergency concerning COVID-19 and statewide social distancing guidance to prevent its spread, two teleconference hearings were held on June 9 and June 10, 2020. Such hearings were permissible through CMS authority under 42 CFR 431.416(g)(2), which allows a state to depart from normal public notice procedures as described in section 431.408 due the unforeseen nature of the public health emergency. Under section 431.416(g)(3), in order for a state to receive an exemption under section 431.416(g)(2), the state must meet three criteria: (i) the state must be acting in good faith, and in a diligent, timely, and prudent manner; (ii) the circumstances must constitute an emergency that could not have been reasonably foreseen; and (iii) it must be the case that a delay would undermine or compromise the purpose of the demonstration and be contrary to the interests of beneficiaries. CMS has determined that the state has met these criteria.

Alabama's application will be posted on Medicaid.gov for a 30-day federal comment period as required by 42 CFR 431.416(b). The state’s application will be available at:
<https://www.medicaid.gov/medicaid/section-1115-demo/demonstration-and-waiver-list/index.html>.

We look forward to working with you and your staff on the proposed demonstration project. If you have questions regarding the section 1115 application process, please contact your CMS project officer, Ms. Kelsey Smyth, at Kelsey.Smyth@cms.hhs.gov.

Sincerely,

8/6/2020

 Andrea J. Casart

Signed by: Andrea J. Casart -A

Andrea J. Casart
Director
Division of Eligibility and Coverage
Demonstrations

cc: Charles Friedrich, State Monitoring Lead, Medicaid and CHIP Operations Group