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DQA Memo 20-004
Revised

To: All Wisconsin Nursing Homes

From: Ann Angell, Director
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Via: Otis Woods, Administrator
Division of Quality Assurance

Revised – Wisconsin Nursing Homes
CMS 1135 Waiver Provisions and Governor Evers Emergency Order # 21

Purpose

The purpose of this memorandum is to provide clarification and guidance to Wisconsin nursing homes regarding the Centers for Medicare and Medicaid Services (CMS) issuance of blanket waivers of Medicare regulations under Section 1135 of the Social Security Act, and Wisconsin's Emergency Order #21.

On March 13, 2020 United States President Donald Trump declared a national emergency due to the impact of the COVID-19 virus. Prior to this date, the Secretary of the federal Department of Health and Human Services declared a public health emergency retroactive to January 27, 2020.

CMS Blanket Waivers for Nursing Homes

In response to the federal emergency declarations, and as permitted under Section 1135 of the Social Security Act, CMS issued a number of blanket waivers relieving certain regulatory burdens for many Medicare-certified providers, including nursing homes, for the duration of the COVID-19 national emergency.

On May 15, 2020 CMS updated the [Coronavirus Waivers & Flexibilities webpage](#) with additional waivers for [Long Term Care Facilities \(Skilled Nursing Facilities and/or Nursing Facilities\) \(PDF\)](#).

Update regarding Emergency Order #21

On March 12, 2020, Governor Tony Evers declared a public health emergency in the State of Wisconsin. On April 3, 2020, Emergency Order # 21 was issued, which suspended several administrative code provisions relevant to nursing homes and issued companion orders.

Effective May 11, 2020, the state public health emergency ended and Emergency Order #21 is no longer in effect. As a result the rule suspensions and companion orders contained in Emergency Order #21 are no longer valid. Nursing homes may request a waiver of any provision in Wis. Admin. Code ch. DHS 132 by following the requirements at DHS 132.21, Waivers and variances.

Resources and Questions

CMS

[Blanket Waivers](#)

[Waivers for Long Term Care Facilities \(Skilled Nursing Facilities and/or Nursing Facilities\) \(PDF\)](#)

Wisconsin

[Emergency Order #21](#)

[Nursing Home Regulations](#)

[Nursing Home Licensure and Certification](#)

DHS [COVID-19 Webpage](#)

For questions regarding the information in this memo, please contact [Ann Angell](#).