

Feb. 10, 2021

PUBLIC NOTICE

SUBJECT: Heightened Scrutiny Category 2 Settings: Submission to CMS; South Carolina Home and Community-Based Services Statewide Transition Plan updates

The South Carolina Department of Health and Human Services (SCDHHS), pursuant to the requirements of the Centers for Medicare and Medicaid Services (CMS) Home and Community-Based Services (HCBS) Rule at 42 CFR 441.301(c)(6), gives notice that:

- SCDHHS is submitting a list of settings in the South Carolina Department of Disabilities and Special Needs (SCDDSN) network to CMS for heightened scrutiny review under Category 2, defined as buildings on the grounds of, or immediately adjacent to, a public institution; and,
- The final approved South Carolina HCBS Statewide Transition Plan has been revised to reflect date changes, updated heightened scrutiny settings numbers and other technical changes.

This information is released for a public comment period. The full public notice, heightened scrutiny Category 2 settings information and revised South Carolina HCBS Statewide Transition Plan are available online at <https://msp.scdhhs.gov/hcbs/site-page/hcbs-statewide-transition-plan>. The public can provide comments on the heightened scrutiny settings submission and South Carolina HCBS Statewide Transition Plan until March 12, 2021. The heightened scrutiny Category 2 settings and the revised South Carolina HCBS Statewide Transition Plan will be submitted to CMS by March 31, 2021.

Heightened Scrutiny Submission: Category 2 SCDDSN Settings:

To comply with CMS' requirements per 42 CFR 441.301(c)(5)(v) under Category 2, SCDHHS will submit the following SCDDSN network settings to CMS for heightened scrutiny review:

- Fountain Inn
- Gibbs Activity Center
- Meadowlark
- Patrick Center Activities Adult Activity Center
- Piedmont Skills – Fountain Inn Adult Activity Center
- Piedmont Skills – Patrick Center Adult Activity Center
- Washington

Information supporting SCDHHS' determination that these settings overcome the presumption they have institutional qualities and will be compliant with CMS' HCBS settings criteria by the end of the transition period can be found at the SCDHHS HCBS website: <https://msp.scdhhs.gov/hcbs/site-page/hcbs-statewide-transition-plan>

Revisions

The following is a summary of the revisions, by section, made in the South Carolina HCBS Statewide Transition Plan (final approval was granted by CMS Feb. 4, 2020):

Section 1, Introduction

- Updated table of contents, added appendices (available at the SCDHHS HCBS website referenced above)
- Page 3: included new HCBS transition deadline
- Page 5: updated revisions to Statewide Transition Plan table to reflect current revisions

Section 2, Communication and Outreach

- Page 12: inserted current update of this public notice

Section 3, Assessment of System-wide Regulations, Policies, Procedures, Licensing Standards and Other Regulations

- Pages 20, 21: updated Residential Personal Care II service information to indicate it will be removed from the Community Choices waiver as it is a duplication of service
- Page 42: updated the final HCBS transition deadline to March 17, 2023

Section 4, Assessment of Settings

- Section 4.1.4, page 49: updated the provider manual page numbers referencing Residential Personal Care II; Updated Residential Personal Care II service information to indicate it will be removed from the Community Choices waiver as it is a duplication of service
- Section 4.4.2, Page 68: updated settings' compliance milestones in both tables
- Section 4.4.3, Page 73: updated milestones for identifying non-compliant settings and transition of waiver participants
- Page 74: updated milestones in table
- Section 4.4.5, page 81: updated to include completed changes and training
- Section 4.5.1, page 89: updated final transition deadline date

Section 5, Heightened Scrutiny

- Significant revisions in section overall to meet CMS' requirements on Category 2 settings submission
- Page 100: updated overall settings numbers under state-level review since the Oct. 2019 submission of the Statewide Transition Plan
- Section 5.7.1, page 103: updated outcome and communication information on Adult Day Health Care review
- Section 5.7.2, page 104: included information about CMS' transition deadline extension and updated dates
- Page 106: updated position title; added state-level review rubrics that are linked to the SCDHHS HCBS website; updated name of participant input tool
- Page 107: updated communication information to providers and waiver participants on process
- Page 108: updated the Quality Improvement Organization (QIO) review timeframes for settings review documentation
- Page 109: updated the QIO review timeframes for settings review documentation
- Section 5.7.3, page 111: included reference to new CMS guidance issued July 14, 2020; updated dates as appropriate; updated dates of public notice and comment period for Category 2 and Category 3 settings

- Page 112: updated final transition deadline date
- Section 5.7.4, page 112: updated the heightened scrutiny submission dates to CMS for each settings category

Appendices

- The following appendices were added to this version (with links to the direct appendices in the document) at <https://msp.scdhhs.gov/hcbs/site-page/statewide-transition-plan>:
 - Appendix A-5: summary of public comments for current public notice and comment period
 - Appendix N: state-level heightened scrutiny: SCDDSN Category 2 settings

Communication

A copy of the full public notice and the revised South Carolina HCBS Statewide Transition Plan is available at the following locations:

1. Website:
 - a. <http://scdhhs.gov/hcbs> (under “Resources,” “Statewide Transition Plan”)
 - b. <http://scdhhs.gov> (under the “Public Notice” section)
2. Hardcopies:
 - a. SCDHHS Main Office, 1801 Main Street, Columbia, SC 29201

Information on the heightened scrutiny Category 2 settings submission and the revised Statewide Transition Plan will be discussed in the following public webinar:

Feb. 17, 2021 (Online Webinar)

11:30 a.m. – 1 p.m. *(will be recorded for later viewing)*

Link to register:

<https://scdhhs.webex.com/scdhhs/onstage/g.php?MTID=e1a6920cd9f0f17470e354f687736d35c>

Individual public meetings have been scheduled specifically for the waiver participants who live in the submitted residential settings and/or attend the submitted non-residential (day) settings.

Public Comment and Responses

SCDHHS wants to hear from the public about the heightened scrutiny Category 2 settings submission and the revised South Carolina HCBS Statewide Transition Plan.

Public comments must be received by 5 p.m. March 12, 2021, and can be submitted through the following methods:

1. Online: <https://msp.scdhhs.gov/hcbs/webform/comments-questions>
2. Email: comments@scdhhs.gov
3. Mail:
Office of Compliance
ATTN: Kelly Eifert, Ph.D.
South Carolina Department of Health and Human Services
P.O. Box 8206
Columbia, SC 29202-8206

Please visit <http://scdhhs.gov/hcbs> for information on the HCBS rule, the public notice and the Statewide Transition Plan.