

Oct. 20, 2023
MB# 23-054

MEDICAID BULLETIN

TO: Home and Community-based Waiver Service Providers

SUBJECT: Reminder: Some Appendix K Flexibilities Issued During the COVID-19 Public Health Emergency Expire Nov. 11

On May 23, 2023, the South Carolina Department of Health and Human Services (SCDHHS) issued [Medicaid bulletin MB# 23-020](#) with an update on the status of temporary flexibilities for use in home and community-based services (HCBS) that are delivered through waiver programs. That bulletin announced many of the flexibilities issued under Appendix K waivers approved during the COVID-19 federal public health emergency (PHE) by the Centers for Medicare and Medicaid Services (CMS) will expire Nov. 11, 2023.

SCDHHS is issuing this bulletin to remind providers of flexibilities that will no longer be in effect for dates of service on and after Nov. 12, 2023. Affected HCBS waivers include:

- Intellectual Disability/Related Disabilities (ID/RD);
- Community Supports (CS);
- Head and Spinal Cord Injury (HASCI);
- Community Choices (CC);
- HIV/AIDS;
- Mechanical Ventilator Dependent (VENT);
- Medically Complex Children (MCC); and,
- Palmetto Coordinated System of Care (PCSC).

The updates referenced in this bulletin are specific to the temporary flexibilities that were created during the COVID-19 PHE through Appendix K waivers and do not impact other agency policies that existed prior to the PHE or addressed in other Medicaid bulletins regarding temporary flexibilities, unless specifically indicated.

Flexibilities Remaining through Approved Amendments/Renewals

As referenced announced in [MB# 23-048](#) and [MB# 23-050](#), CMS recently approved waiver applications that updated policies related to reimbursement of family members. These changes

are outlined in the [Community Long-Term Care provider manual \(Section 6\)](#) and will remain in effect.

Flexibilities Ending Nov. 11, 2023

Effective Nov. 12, 2023, the following temporary flexibilities will no longer be available:

Temporary Flexibility	CS SC.067 6	ID/RD SC.023 7	HASCI SC.028 4	CC SC.040 5	HIV/AID S SC.0186	VENT SC.401 81	PCSC SC.168 6	MCC SC.067 5
Remove weekly limits from the Attendant Care/Personal Assistance service for needs related to closure of Department of Disabilities and Special Needs (DDSN) day programs or adult day health care (ADHC) centers		X	X					
Add Respite/Personal Care service hours for those displaced from day programs and/or ADHC services		X						
Allow up to two (2) home-delivered meals per day/fourteen (14) meals per week for ADHC recipients	X	X						
Allow non-traditional home-delivered meal service providers	X	X		X	X	X		

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Allow day services (day activity, career preparation, community services, employment services) to be provided in residential settings	X	X	X					
Renew participant service plans for 12 months under certain conditions (if a meeting is held with the individual and/or representative, if the case manager contacts the participant using allowable remote contact methods)	X	X	X					
Modify service plans for additional supports and/or services in response to the COVID-19 PHE	X	X	X	X	X	X		
Allow for completion of critical incident or abuse, neglect and exploitation final report outside of typical timeframes (10 days)	X	X	X					
Suspend requirement of two (2) waiver services monthly provided to the participant	X	X	X					

Temporary Flexibility	CS SC.067 6	ID/RD SC.023 7	HАСI SC.028 4	CC SC.040 5	HIV/AID S SC.0186	VENT SC.401 81	PCSC SC.168 6	MCC SC.067 5
Add an electronic method of signing off on required documents (e.g., service plans). This will discontinue the use of verbal attestation. Existing electronic signature processes will remain in place	X	X	X	X	X	X		X
Add an electronic method of service delivery (e.g., telephonic) for the following services: case management, in-home habilitation, monthly monitoring	X	X	X	X	X	X		
Add an electronic method of service delivery (e.g., telephonic) for the RN care coordination service								X
Add an electronic method of service delivery (e.g., telephonic) for the following services: case management, monthly monitoring				X	X	X		
Add an electronic method of service delivery (e.g., telephonic) for case management, monthly monitoring and high fidelity wraparound services							X	

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Add in-home supports as a participant-directed service. This service can be provided by a legally responsible person and/or a relative/legal guardian		X	X					
Allow parents of minor children to provide personal care services				X	X	X		
Allow up to one (1) home-delivered meal per day/one (1) additional case of nutritional supplements per month				X	X	X		
Delay onsite review of environmental modifications throughout the PHE				X	X	X		
Evaluate performance/ completeness of environmental modifications electronically				X	X	X		

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Add an electronic method of signing off on required documents such as the person-centered service plan; and allow services to continue to be provided remotely for high fidelity wraparound							X	
Allow all reviews and other auditing activities to be performed as off-site, desk reviews of information shared by the provider or deferred past the required timeliness period if onsite reviews are required							X	
Allow HCBS settings reviews scheduled to occur at enrollment, annually or when the participant’s residence changes to be performed off-site throughout the duration of the PHE							X	
Expand settings where services may be provided (e.g., hotels, shelters, schools, churches)	X	X	X	X				

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Exceed service limitations (including limits on sets of services as described in Appendix C-4)	X	X	X	X	X	X		
Modify provider qualifications	X	X	X					
Modify licensure or other requirements for settings where waiver services are furnished	X	X	X					
Increase the cost limits for entry into the waiver	X							

In addition to the preceding guidance, DDSN has also provided direction to providers in memorandums issued [May 4, 2023](#) and [Sept. 20, 2023](#).

A comprehensive list of the COVID-19-specific policy guidance SCDHHS issued during the PHE is publicly available [here](#). Individuals with questions regarding this bulletin can email MedicaidWaiver@scdhhs.gov.

Thank you for your continued support of the South Carolina Healthy Connections Medicaid program.

/s/
Robert M. Kerr