

Monthly Update

Home and Community-Based Services (HCBS) Rule Workgroup

Update Items August 6, 2020		
No.	Topic	Highlights
1.	COVID 19 Response	<ul style="list-style-type: none"> The South Carolina Department of Health and Human Services (SCDHHS) has resources in response to COVID-19 for its Healthy Connections Medicaid program and other SCDHHS-administered programs online at https://msp.scdhhs.gov/covid19/. For the latest public health information, resources and guidance, please visit the South Carolina Department of Health and Environmental Control's (DHEC) COVID-19 website at scdhec.gov/covid19.
2.	Appendix K updates	<ul style="list-style-type: none"> SCDHHS has submitted an updated Appendix K request to the Centers for Medicare and Medicaid Services (CMS) (for all waiver programs). It is currently under review. <ul style="list-style-type: none"> Read the current flexibilities approved by CMS on the SCDHHS COVID-19 information website. The current request focuses on retainer payments for certain eligible providers in recognition of the need to maintain a viable provider network. Once approved, the information will be posted on the SCDHHS COVID-19 website link: https://msp.scdhhs.gov/covid19/
3.	Home and Community Based Services (HCBS) Settings Rule – Transition Updates	<ul style="list-style-type: none"> CMS issued a letter to state Medicaid director on July 14, 2020, that gave updated guidance on the HCBS rule. CMS is extending the deadline for compliance with the HCBS regulation in response to the COVID-19 pandemic. <ul style="list-style-type: none"> New full compliance deadline: March 17, 2023 The letter and the revised frequently asked questions can be found on the CMS HCBS website.
4.	Home and Community Based (HCB) Settings Quality Review Process: South Carolina Department of Disabilities and Special Needs (SCDDSN) Settings	<ul style="list-style-type: none"> CMS issued new deadlines for states to submit settings for CMS' Heightened Scrutiny review in the July 14, 2020, letter and revised frequently asked questions. SCDHHS and SCDDSN are working on new deadlines and timeframes for the HCB Quality Review Process due to the CMS extension. Those dates will be shared once they are finalized. <ul style="list-style-type: none"> Providers can continue to submit information/evidence packages for settings subject to this process. Information can be sent to Janet Priest at SCDDSN. Information on the process can be found on the SCDHHS HCBS website, including: <ul style="list-style-type: none"> Information for SCDDSN providers with settings under review <ul style="list-style-type: none"> See the links under the "Suggested Documentation" header half-way down the page (linked above).

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		<ul style="list-style-type: none"> ○ A recorded presentation for waiver participants and families who live in and/or attend settings in this process is available on the SCDHHS HCBS website: <ul style="list-style-type: none"> ▪ On the “Members & Families” page (scroll down to information under “NEW”). ▪ On the “Presentations” page (scroll down to last presentation listed: HCBS Rule – Home and Community-Based (HCB) Settings Quality Review Process).
5.	HCBS – Conflict Free Case Management (CFCM)	<ul style="list-style-type: none"> ● SCDHHS and SCDDSN continue to work on plans to prepare for the transition to conflict-free case management in the SCDDSN network of providers. ● This includes: <ul style="list-style-type: none"> ○ Compiling a list of policies, manuals, standards and directives that may need to be changed and/or created. ○ Identifying the number of waiver participants impacted by this requirement. ○ Developing a communication plan on this effort for stakeholders.
6.	Long Term Living (LTL) policy updates	<ul style="list-style-type: none"> ● The HCBS settings requirement extension is until March 17, 2023. ● The CLTC Adult Day Health Care (ADHC) scope of services will be revised October 1, 2020, to reflect that any existing providers not in compliance on April 1, 2023, will have their SCDHHS contract terminated (current policy states April 1, 2022; see below). ● Current Scope of Services, page 18: <i>Note: CMS requires ADHCs servicing HCBS (Waiver) participants to be in compliance with their settings requirements. Providers of ADHC services must meet all requirements as outlined in 42 CFR § 441.301 (c) (4)). These requirements have been integrated into the CLTC ADHC Provider Manual.</i> <i>Note: Effective April 1, 2022, SCDHHS will terminate contracts with existing ADHC providers whose settings do not meet all of the requirements outlined by CMS for the settings rule.</i>
7.	HCBS Compliance – 2023 and beyond	<ul style="list-style-type: none"> ● As a reminder, CMS is clear: <ul style="list-style-type: none"> ○ ALL HCB settings must be in compliance by 2023. ○ There is no remediation for any non-compliant setting after that date. ○ If a setting is non-compliant, the state cannot claim federal financial participation (FFP) for any HCB services provided in that setting. ● Do the work now.

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8.	General Updates	<ul style="list-style-type: none">• South Carolina Developmental Disabilities (SC DD) Council continues to support efforts that are helping improve employment, community supports and self-advocacy which positively contribute to HCBS options for individuals in South Carolina.<ul style="list-style-type: none">○ See the great work the SC DD Council grantees are doing here!○ Link: http://www.scdde.state.sc.us/funding.html• Virtual Disability Benefits & Employment Workshop<ul style="list-style-type: none">○ Aug. 12, 2020○ 10 a.m. – 12 p.m.○ More information and registration here• Virtual Disability Benefits & Employment Workshop<ul style="list-style-type: none">○ Aug. 27, 2020○ 1:30 p.m. – 3:30 p.m.○ More information and registration here• Protection & Advocacy (P & A) South Carolina<ul style="list-style-type: none">○ The yearly survey to help P & A develop goals to guide their work is available. P & A needs input from the community. Please respond by August 31, 2020. If you need assistance completing the survey or need a paper copy, please contact P & A at:<ul style="list-style-type: none">○ info@pandasc.org○ Toll free: 1-866-275-7273○ TTY: 1-866-232-4525○ 3710 Landmark Dr., Suite 208○ Columbia, SC 29204○ Electronic survey is here• Shared by the SC DD Council:<ul style="list-style-type: none">○ A Self-Advocate’s Guide to COVID-19○ Information and resources here○ Please share• South Carolina Department of Consumer Affairs offers free webinars every week:<ul style="list-style-type: none">○ Website: https://consumer.sc.gov/○ Sign up for information on the home page – scroll down to “Sign up for Email Updates”
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Next Meeting/Email Update:

September 3, 2020

Future Meetings/Email Updates:

October 1, 2020

November 5, 2020

December 3, 2020