


DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF DIRECTOR

ACTION REFERRAL

TO <i>Myers</i>	DATE <i>7-30-09</i>
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DIRECTOR'S USE ONLY	ACTION REQUESTED
1. LOG NUMBER <i>1001057</i>	<input type="checkbox"/> I Prepare reply for the Director's signature DATE DUE _____
2. DATE SIGNED BY DIRECTOR <i>CC: Ms. Fortner, Depo, Waldrup, Mary</i> 	<input type="checkbox"/> I Prepare reply for appropriate signature DATE DUE _____ <input type="checkbox"/> I FOIA DATE DUE _____ <input checked="" type="checkbox"/> Necessary Action

APPROVALS (Only when prepared for director's signature)	APPROVE	* DISAPPROVE (Note reason for disapproval and return to preparer.)	COMMENT
1. <i>Cleared 8/14/09, letter attached.</i>			
2.			
3.			
4.			

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State Director
Robert W. Barfield
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July 29, 2009

Emma Forkner

Director

South Carolina Department of Health and Human Services
1801 Main Street
Columbia, South Carolina 29202-8206

Department of Health & Human Services
OFFICE OF THE DIRECTOR

JUL 30 2009

RECEIVED

Dear Mrs. Forkner:

South Carolina Department of Disabilities and Special Needs requests that an amendment to the Head and Spinal Cord Injury (HASCI) Waiver be submitted to the federal Centers for Medicare and Medicaid Services (CMS). We are seeking an effective date of January 1, 2010.

The substantive change is to revise the limits for Attendant Care/Personal Assistance Services and for Attendant Care/Personal Assistance Services combined with HASCI Waiver Nursing (see attachments).

A technical change is also requested concerning selection of individuals for entrance to the Waiver (see attachment). This provides improved clarification of the current policy.

Our staff is available as needed to assist your staff in preparing this amendment. As always, we greatly appreciate the productive partnership between our agencies.

Sincerely,


Eugene A. Laurent
State Director

Attachments

Cc: Dr. Kathi Lacy

Sam Waldrep

DISTRICT I

Dr. Linda Veldheer

George Maky

P.O. Box 239
Clinton, SC 29325-5328
Phone: (864) 938-3497

Midlands Center - Phone: 803/935-7500
Whitten Center - Phone: 864/833-2733

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Coastal Center - Phone: 843/873-5750
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Head and Spinal Cord Injury (HASCI) Waiver Revised Service Limits

Significant state budget reductions have made it necessary for SCDDSN to reduce and contain the costs of the HASCI Waiver. Three options for revising service limits were presented to the DSN Commission on 6/18/09. Several opportunities to give feedback were provided to consumers, stakeholders, and the public. Dr. Laurent announced the proposed options to DSN service providers and to consumer organizations. A survey was mailed to a 20% random sample of current HASCI Waiver participants. Others were able to complete this survey on the SCDDSN website or to access it through websites of the Brain Injury Alliance of South Carolina and the South Carolina Spinal Cord Injury Association. A public meeting was conducted on 7/7/09. Results were compiled and summarized for the DSN Commission.

The option below was approved by the DSN Commission on 7-17-09. It achieves at least a \$300,000 reduction and helps control for future increases. South Carolina Department of Health and Human Services (State Medicaid Agency) will apply to the federal government for an amendment to the current HASCI Waiver to revise these service limits.

Following approval of the HASCI Waiver amendment, the revised service limits will become effective January 1, 2010.

Service Name Approximate Number Currently Served	Revised Limit Previous limit	Estimated Cost Savings Estimated Number affected % of those getting this service
Attendant Care/ Personal Assistance Services 642	<p>49 hours per week on a routine basis 8 hours per day on a routine basis</p> <p>Up to 10 hours per day may be authorized on a short term basis (not to exceed 90 days) due to special need circumstances. Unchanged</p> <p>If Attendant Care/Personal Assistance Services is combined with HASCI Waiver Nursing, the combined services, whether routine or short term, may not exceed 10 hours per day. (Nursing limits apply) If Attendant Care/Personal Assistance Services is combined with HASCI Waiver Nursing, the combined services, whether routine or short term, may not exceed 12 hours per day. (Nursing limits apply)</p> <p><i>This same revision will be made to HASCI Waiver Nursing</i></p>	<p>\$667,193 178 27.7%</p>

Appendix C-3: Waiver Services Specifications

For each service listed in Appendix C-1, provide the information specified below. State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Service Specification		
Service Title:	Attendant Care/Personal Assistance Services	
<i>Complete this part for a renewal application or a new waiver that replaces an existing waiver. Select one:</i>		
<input type="radio"/>	Service is included in current waiver. There is no change in service specifications.	
<input checked="" type="radio"/>	Service is included in current waiver. The service specifications have been modified.	
<input type="radio"/>	Service is not included in the current waiver.	
Service Definition (Scope):		
<p>Attendant Care/Personal Assistance Services are supports for personal care and activities of daily living specific to the assessed needs of a medically stable individual with physical and/or cognitive impairments. Supports may include direct care, hands-on assistance, direction and/or cueing, supervision, and nursing to the extent permitted by State law. Supports may be provided in the participant's home and/or a variety of community settings as indicated in the Support Plan, but only when attendant care/personal assistance is <u>not</u> already available in such settings. Housekeeping activities incidental to care or essential to the health and welfare of the participant, rather than the participant's family, may be provided as specified in the Support Plan. Supports provided during community access activities must directly relate to the participant's needs for care and/or supervision. Transportation may be provided as a component of Attendant Care/Personal Assistance Services when necessary for provision of personal care or performance of daily living activities. Cost of incidental transportation is included in the rate paid to providers.</p> <p>Supervision will be provided by a nurse licensed to practice in the state. The frequency and intensity of the supervision will be specified in the participant's Support Plan.</p> <p>As an option, supervision may be performed directly by the participant or a responsible party, when the participant or responsible party has been trained to perform this function, and when safety and efficacy of supervision provided by the participant or responsible party has been certified by a licensed nurse or otherwise as provided in State law. Certification must be based on direct observation of the participant or responsible party and the specific attendant care/personal assistance provider(s) during actual provision of care. Documentation of this certification will be maintained in the participant's Support Plan.</p>		
Specify applicable (if any) limits on the amount, frequency, or duration of this service:		
<p>Attendant Care/Personal Assistance Services provided on a routine basis shall be limited to <u>49 hours per week</u>. Up to 10 hours per day may be authorized on a short-term basis (not to exceed 90 days) due to special need circumstances such as the participant's temporary injury or illness, temporary absence or illness of a primary caregiver, etc. If Attendant Care/Personal Assistance Services is combined with HSCI Waiver Nursing Services, the combined services, whether routine or short term, shall not exceed <u>10</u> hours per day.</p>		
Provider Specifications		
Provider Category(s) (check one or both):	<input checked="" type="checkbox"/> Individual. List types:	<input type="checkbox"/> Agency. List the types of agencies:
	Independent attendant care provider	Attendant care provider agencies

Service Title:		Medicaid Waiver Nursing			
Complete this part for a renewal application or a new waiver that replaces an existing waiver. Select one:					
<input type="radio"/>	Service is included in current waiver. There is no change in service specifications.				
<input checked="" type="radio"/>	Service is included in current waiver. The service specifications have been modified.				
<input type="radio"/>	Service is not included in the current waiver.				
Service Definition (Scope):					
Services specified in the plan of service which are within the scope of the State's Nurse Practice Act and are provided by a registered professional nurse, or licensed practical nurse.					
Specify applicable (if any) limits on the amount, frequency, or duration of this service:					
Medicaid Waiver Nursing is limited to either 60 hours per week of LPN or 45 hours per week of RN. If a combination of LPN and RN is used, the combined hours per week cannot exceed the equivalent cost of either 60 hours per week of LPN or 45 hours per week of RN. <u>If HASCI Waiver Nursing is combined with Attendant Care/Personal Assistance Services, the combined services, whether routine or short term, shall not exceed 10 hours per day.</u>					
Provider Specifications					
Provider Category(s) (check one or both):	<input checked="" type="checkbox"/> Individual. List types:	<input checked="" type="checkbox"/> Agency. List the types of agencies:			
	Individual Nurses	Nursing Agencies			
Specify whether the service may be provided by (check each that applies):		<input type="checkbox"/> Legally Responsible Person	<input checked="" type="checkbox"/> Relative/Legal Guardian		
Provider Qualifications (provide the following information for each type of provider):					
Provider Type:	License (specify)	Certificate (specify)	Other Standard (specify)		
Nurses (Individuals and Agencies)	Yes, Code of laws 40-33-10 et seq		Contract Scope of services		
Verification of Provider Qualifications	Provider Type:	Entity Responsible for Verification:		Frequency of Verification	
	Nurses (Individuals and Agencies)	Medicaid Agency		Upon Enrollment Annually/Biannually	
Service Delivery Method					
Service Delivery Method (check each that applies):	<input type="checkbox"/> Participant-directed as specified in Appendix E	<input checked="" type="checkbox"/>	Provider managed		

- f. **Selection of Entrants to the Waiver.** Specify the policies that apply to the selection of individuals for entrance to the waiver:

DDSN maintains a waiting list of applicants for the HASCI Waiver. Applicants are placed on the waiting list in Urgent or Regular status, based on severity of condition and level of need:

Criteria for the Urgent status on the waiting list are:

1. Very severe injury resulting in functional limitations requiring extensive or total care (i.e. spinal cord injury at a quadriplegic level or a very serious traumatic brain injury).
2. Emergency need for assistance with personal care.
3. Recent loss of a primary caregiver (permanently gone within the past 90 days) or imminent risk of losing a primary caregiver (permanently gone within the next 90 days), and no other paid or unpaid supports to replace the primary caregiver.
4. Recently discharged (within the past 90 days) or pending discharge (within the next 90 days) from acute care or rehabilitation hospital with complex unmet service needs.
5. Lack of an active support network; specific extenuating circumstances affecting urgency (e.g. more than one person with disabilities or special needs in the household, primary caregiver with serious medical condition, primary caregiver also responsible for minor children or elderly family members, etc.)

An applicant must meet at least two of the above criteria to qualify for Urgent status. If criteria for Urgent status are not met, the applicant will be placed on the waiting list in Regular status.

An applicant in Urgent status on the waiting in list who no longer meets criteria will be moved to Regular status on the waiting list. An applicant in Regular status on the waiting list who later meets Urgent criteria will be moved to Urgent status on the waiting list.

An applicant who meets Urgent criteria and is ready for enrollment will be allocated the first available HASCI Waiver slot. If more than one individual on the waiting list in Urgent status is ready for enrollment, they will be allocated an available HASCI Waiver slot based on the earliest documented date of request.

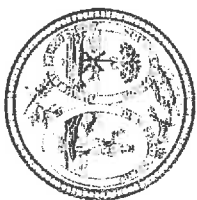
If there are no applicants on the waiting list in Urgent status ready for enrollment, applicants on the Regular waiting list ready for enrollment will be allocated the first available HASCI Waiver slot based on the earliest documented date of request.

An individual terminated from the HASCI Waiver due to interruption of Medicaid eligibility will have his or her Waiver slot held up to 90 consecutive days after the date of termination if it is anticipated that Medicaid eligibility can be reinstated during that time. Re-enrollment in the HASCI Waiver is contingent upon on continuing to meet all eligibility requirements.

An individual terminated from the HASCI Waiver because of hospitalization or admission to a nursing facility exceeding a full calendar month will have his or her Waiver slot held up to 90 consecutive days after the date of termination if it is anticipated the person will be discharged during that time. Re-enrollment in the HASCI Waiver is contingent upon continuing to meet all eligibility requirements.

An individual terminated from the HASCI Waiver because a service was not received during a full calendar month due to non-availability of a provider or other circumstances will have his or her Waiver slot held up to 90 consecutive days after the date of termination. If services can be resumed within that time, the individual will be re-enrolled into the HASCI Waiver contingent upon continuing to meet all eligibility requirements.

An individual in a nursing facility placement, hospital swing bed, or hospital administrative day bed for at least 90 consecutive days who is ready for discharge and requests to receive community based services will be allocated the next available HASCI Waiver slot if it can be assured he or she will meet medical, financial, and other HASCI Waiver eligibility requirements. The individual must have an available community residence and sufficient natural supports so that his or her health and safety can be assured within the services available through the HASCI Waiver. Transition must be arranged through a HASCI Service Coordinator and will require approximately 1-3 months to complete after a HASCI Waiver slot has been allocated.



close Log # 577 ✓

State of South Carolina
Department of Health and Human Services

Mark Sanford
Governor

Emma Forkner
Director

August 14, 2009

Eugene A. Laurent, Ph.D.
State Director
SC Department of Disabilities and Special Needs
3440 Harden Street Ext (29203)
Columbia, South Carolina 29240

Dear Dr. Laurent:

A handwritten signature in dark ink, appearing to read "Emma Forkner".

The SC Department of Health and Human Services (SCDHHS) has received your letter of July 29, 2009 proposing an amendment to the Head and Spinal Cord Injury (HASCI) Waiver. As outlined in your letter the HASCI waiver amendment would revise the service limits for attendant care/personal assistance services, and attendant care/personal assistance services when combined with waiver nursing services. We further understand these changes were approved by the SC Department of Disabilities and Special Needs (SCDDSN) Commission on July 17, 2009.

Additionally, your letter included a request for a technical change concerning the selection of individuals for entrance to the Waiver. After review of this proposal we believe it would be considered more restrictive than the current policy for those individuals seeking access to the HASCI Waiver, and subsequently impact the enhanced federal funds the State receives under the American Recovery and Reinvestment Act (ARRA) of 2009. We would be willing to take this proposal under advisement after the ARRA maintenance of eligibility requirement provisions expire and the SCDDSN Commission has been given the opportunity to review it.

At this time we are proceeding with the service limits amendment with a request for an effective date of January 1, 2010. Should you want additional information related to the ARRA and its affect on waiver policy and procedure changes, please contact Anita Atwood at 803-898-4641.

Sincerely,

A handwritten signature in dark ink, appearing to read "Emma Forkner".

Emma Forkner
Director

EF/mwmh