

DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF DIRECTOR

ACTION REFERRAL

TO <i>Walsh</i>	DATE <i>9-19-11</i>
--------------------	------------------------

DIRECTOR'S USE ONLY	ACTION REQUESTED
1. LOG NUMBER <i>100130</i>	<input type="checkbox"/> Prepare reply for the Director's signature DATE DUE _____
2. DATE SIGNED BY DIRECTOR <i>cc: Mr. Steck cleared 10/7/11, letter attached.</i>	<input type="checkbox"/> Prepare reply for appropriate signature DATE DUE _____ <input type="checkbox"/> FOIA DATE DUE _____ <input checked="" type="checkbox"/> Necessary Action

APPROVALS <small>(Only when prepared for director's signature)</small>	APPROVE	* DISAPPROVE <small>(Note reason for disapproval and return to preparer.)</small>	COMMENT
1.			
2.			
3.			
4.			

From: Jan Polaty
To: Anthony Keck; Sam waldrep
Date: 9/16/2011 11:20 AM
Subject: Fwd: letter for Mr. Keck
Attachments: DOC091511.pdf

FYI - Brenda will log to Sam.

>>> "Julie Ann Avin" <JAVin@mirci.org> 9/16/2011 9:38 AM >>>

The original of the attached letter was sent via postal mail yesterday.
Please share this copy with Mr. Keck upon receipt.

Thank you,

Julie Ann Avin

Bur-

Plr log to

Sam

C:Kwiler

RECEIVED

SEP 19 2011

Department of Health & Human Services
OFFICE OF THE DIRECTOR

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Mental Illness Recovery Center, Inc.

Friendship Center
Counseling Services
Representative Payee Services
Supportive Housing
Homeless Services

Julie Ann Avin
Executive Director

September 15, 2011

Mr. Anthony Keck, Director
South Carolina Department of Health and Human Services
Post Office Box 8206
Columbia, South Carolina 29201

Re: Targeted Case Management State Plan Amendment

Dear Mr. Keck:

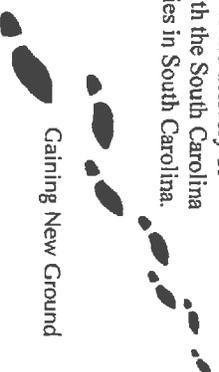
It has come to our attention that the Department of Health and Human Services (DHHS) is planning to submit a State Plan Amendment for Targeted Case Management Services. To date, it appears DHHS has solicited feedback from state agencies only. However, as a private provider enrolled directly with Medicaid, we hope that our comments regarding the enclosed draft, provided to state agencies, will be considered as the State Plan Amendment is finalized.

The Mental Illness Recovery Center (MIRCI) provides community-based services to individual recovering from severe mental illness or emotional disorders in the Midlands through counseling, housing and financial initiatives. We are most interested in the target population involving individuals with serious and persistent mental illness but believe our comments may be applicable to the other target populations as well.

The existing Medicaid State Plan restricts freedom of choice of providers for chronically mentally ill adults to the Community Mental Health Centers, which are entities of the Department of Mental Health. The justification of this restriction indicates that the Department of Mental Health is the **only** provider in South Carolina qualified to case manage this population. However, it should be noted that there are private providers that meet the stipulated education and experience required to provide targeted case management services for this population.

The proposed provider qualifications for targeted case management will continue to restrict Medicaid beneficiaries' freedom of choice of providers. Specifically, the proposed provider qualification language restricts targeted case management entities to agencies that are responsible "for providing a statewide system for the delivery of community services to individuals in the State in accordance with the South Carolina Code of Laws." This appears to limit enrollment to state agencies in South Carolina.

3809 Rosewood Dr. PO Box 4246 Columbia, SC 29240
(803) 786-1844 (803) 754-7783 fax www.mirci.org mail@mirci.org



The proposed qualifications for individual case managers appear to further restrict Medicaid beneficiaries' freedom of choice of providers by requiring that targeted case managers "have an employment relationship with the provider entity." MIRCI currently provides case management for our consumers, without reimbursement, based on the current restrictions in the Medicaid State Plan. The case management services provided by the Community Mental Health Center is duplicative, unnecessary, and often disruption for our patients.

We are aware that federal law allows states to limit the provision of case management services for individuals with chronic mental illness and developmental disabilities to ensure that case managers for such individuals are capable of ensuring that such individuals receive needed services. However, we do not believe this limitation should restrict providers to only state agencies. Doing so appears to create a potential conflict of interest since state agencies provide and authorize some of the same services that are provided by private providers.

Absent an approved waiver, we believe the proposed provider qualifications language restricting freedom of choice of providers to state agencies or its employees may violate the intent of Section 1902(a)(23)(A) of the Social Security Act that requires states to allow Medicaid-eligible individual to receive services from "any institution, agency, community pharmacy, or person, qualified to perform the service or services required ... who undertakes to provide him such services." We hope that the State Plan Amendment submitted to the Centers for Medicare and Medicaid Services will allow any qualified provider, both public and private, to render targeted case management services thereby affording beneficiaries freedom of choice of providers.

Thank you for your consideration in this matter. Please do not hesitate to let me know if you have questions or need additional information. I would be glad to meet with you to

From: Anthony Keck
To: Jan Polatty, Sam waldrep
Date: 9/16/2011 12:18 PM
Subject: Re: Fwd: letter for Mr. Keck

Sam - obviously we are in support of choice. In your response also emphasize the public meeting and the new input process.

-----Original Message-----

From: Jan Polatty
To: Sam waldrep <Waldrep@scdhs.gov>
To: Anthony Keck <KECK@scdhs.gov>

Sent: 9/16/2011 11:20:54 AM
Subject: Fwd: letter for Mr. Keck

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Thank you,

Julie Ann Avin

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MIRCI

Mental Illness Recovery Center, Inc.

Julie Ann Avin
Executive Director

September 15, 2011

Mr. Anthony Keck, Director
South Carolina Department of Health and Human Services
Post Office Box 8206
Columbia, South Carolina 29201

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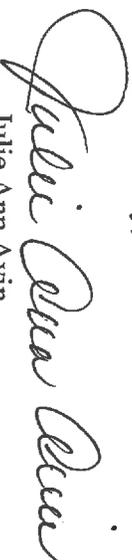
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Sincerely,



Julie Ann Avin
Executive Director

Enclosures

MIRCI

Mental Illness Recovery Center, Inc.

3809 Rosewood Dr.

P.O. Box 4246

Columbia, SC 29240

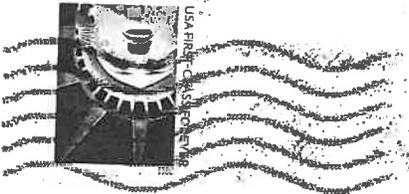
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COLUMBIA SC 292

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Mr. Anthony Keck, Director
South Carolina Department of Health and Human
Services
Post Office Box 8206
Columbia, South Carolina 29201



29202+8206



Log # 130

October 7, 2011

Julie Ann Avin, Executive Director
Mental Illness Recovery Center, Inc.
3809 Rosewood Drive
Post Office Box 4246
Columbia, South Carolina 29240

Dear Ms Avin:

Thank you for your inquiry regarding the proposed State Plan Amendment (SPA) for Targeted Case Management (TCM) Services. We have begun the process of updating our current state plan language to further comply with federal regulations. At this time, all documents are in draft form and continue to be a work in progress.

As current providers of TCM, we have solicited input from a state agency workgroup to begin this process. A public comment period and meeting is planned later this fall when the SPA is finalized. Through this process we will gladly receive public comments on the proposed SPA and related documents. Information in regards to the public meeting will be published with advance notice.

We will make certain that we are compliant with freedom of choice requirements and that freedom of choice exists for Medicaid beneficiaries by ensuring the availability of the most qualified professionals to serve each target population, as appropriate. As you well know, our State is unique in the appropriations of funding for such services. We will work with agencies to maximize the availability of state resources throughout this process.

We applaud your efforts to advocate on behalf of the citizens of this state and invite you to take advantage of the public input process to ensure that the population you serve is represented.

Sincerely,

Sam Waldrep
Deputy Director