


DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE OF DIRECTOR

ACTION REFERRAL

TO <i>Bowling</i>	DATE <i>11/6/06</i>
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DIRECTOR'S USE ONLY	ACTION REQUESTED
1. LOG NUMBER <i>CC0347</i>	<input checked="" type="checkbox"/> Prepare reply for the Director's signature DATE DUE <i>01-17-07</i>
2. DATE SIGNED BY DIRECTOR <i>cc: Keel</i> <i>Revised copy attached.</i> 	<input type="checkbox"/> Prepare reply for appropriate signature DATE DUE _____ <input type="checkbox"/> FOIA DATE DUE _____ <input 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>Cleaved 11/19/07, letter attached,</i>			
2.			
3.			
4.			

Department of Health & Human Services  
Centers for Medicare & Medicaid Services  
61 Forsyth St., Suite 41720  
Atlanta, Georgia 30303-8909



November 2, 2006

RECEIVED

NOV 06 2006

Robert M. Kerr, Director  
Department of Health and Human Services  
Post Office Box 8206  
Columbia, South Carolina 29202-8206

Department of Health & Human Services  
OFFICE OF THE DIRECTOR

Dear Mr. Kerr:

The Centers for Medicare and Medicaid Services (CMS) is conducting an assessment of South Carolina's Home and Community-Based Services Waiver (# 0284.90.R1). This assessment will be used to evaluate the overall performance of South Carolina's waiver program throughout the currently approved period and to identify the need for any modifications or technical assistance necessary for South Carolina to continue to successfully operate this waiver program. The results of this assessment will also be considered by CMS as it reviews the waiver renewal process.

CMS has revamped its process for assessing and conducting on-going monitoring activities for the Home and Community-Based Waiver program. States have likewise begun to make improvements in the management and quality oversight of their HCBS waivers, conducting their own reviews to measure and improve quality. The new assessment process focuses federal oversight on the state's structures for and capacity to discover problems and areas that need improvement, and on the state's success on implementing remedies and improvement strategies.

CMS is now requesting states to demonstrate that they have / use adequate mechanisms for finding and resolving problems on an ongoing basis. Attached to this letter is a listing of the evidentiary-based information that we need to review in order to make this determination. We request that you provide the information identified in the attachment and submit it by **December 31, 2006**.

CMS staff may be able to make its determination as to whether South Carolina is meeting the assurances based on the state's responses, eliminating the need for additional review activities. To expedite the assessment process, we ask that you provide concise, specific information that demonstrates the State's oversight activities and results.

While we recognize the value of state policies and procedures with regard to oversight activities, this assessment focuses on the extent to which the policies and procedures have been implemented, and the results of the state's oversight activities. That is, how does the state identify quality issues, and how do they address them when they are identified? As you will see in the attachment, we are requesting *evidence* as to the implementation of oversight activities.

Mr. Robert Kerr

November 2, 2006

Page 2

After reviewing South Carolina's requested submissions, we will contact your staff to discuss any necessary follow-up activities. Please feel free to contact me at (404) 562-7413 with any questions about this request.

Sincerely,

A handwritten signature in cursive script, reading "Kenni L. Howard".

Kenni L. Howard, RN  
Medicaid & SCHIP Policy Branch  
Division of Medicaid and Children's Health

Attachment

cc: Mark Reed, CMS Central Office

## **Request for Evidentiary-Based Information**

### **Level of Care Determination**

Evidence that:

- An evaluation for level of care is provided to all applicants for whom there is reasonable indication that services may be needed in the future.
- Enrolled participants are reevaluated at least annually or as specified in its approved waiver.
- The process and instruments described in the approved waiver are applied to determine level of care.
- The state monitors level of care decisions and takes action to address inappropriate level of care determinations.

Examples:

Reports from state monitoring reviews conducted; a summary report of all reviews; minutes of committee meetings showing evaluation of findings and recommendations and strategies for improvement developed. Do not submit policies, procedures, forms or individual participant records.

### **Plan of Care (POC)**

Evidence that:

- POCs address all participant's assessed needs (including health and safety risk factors) and personal goals, either by waiver services or through other means.
- The state monitors POC development in accordance with its policies and procedures and takes appropriate action when it identifies inadequacies in the development of POCs.
- POCs are updated / revised when warranted by changes in the waiver participant's needs.
- Services are specified by type, amount, duration, scope and frequency and are delivered in accordance with the POC.
- Participants are afforded choice:
  - 1) between waiver services and institutional care
  - 2) between / among waiver services and providers

Examples:

Reports from state monitoring reviews of POCs; reports of monitoring of service refusal and analysis; reports of state monitoring (e.g., provider, county, case management) to verify that services in POC have been received; summary report of all reviews; minutes of committee meetings showing evaluation of findings, recommendations and corrective actions taken and strategies for improvement developed; results of feedback from participant interviews or focus groups; analysis of incident reports/complaints; analysis of reported incidents; results of focus group meeting; results of staff interviews. Do not submit policies, procedures, forms or individual participant records.

## **Qualified Providers**

Evidence that:

- The state verifies, on a periodic basis, that providers meet required licensing and/or certification standards and adhere to other state standards.
- The state monitors non-licensed/non-certified providers to assure adherence to waiver requirements.
- The state implements its policies and procedures for verifying that training is provided in accordance with state requirements and the approved waiver.

Examples:

Reports from state monitoring; minutes of committee meetings showing evaluation of findings and recommendations related to provider qualifications and training; actions taken when deficiencies are identified such as sanctions or correspondence; reports include both licensed providers and those qualified through other means; analysis of complaints or incident reports; documentation of TA/training sessions. Do not submit policies, procedures, forms, qualification standards or provider records.

## **Health and Welfare**

Evidence that:

- The state, on an ongoing basis, identifies and addresses and seeks to prevent instances of abuse, neglect and exploitation.

Examples:

Ongoing monitoring reports; reports and analysis of complaints; reports and analysis of allegations of abuse neglect and exploitation; results of investigations and actions taken; reports and action taken on plan of care discrepancies; minutes of QA or other committee meetings that show review of monitoring, recommended actions and follow-up reports. Do not submit policies, procedures, forms or individual participant records.

## **Administrative Authority**

Evidence that:

- The Medicaid agency or operating agency conducts routine, ongoing oversight of the waiver program.

Examples:

A description of the state quality management program with evidence of activity such as monitoring and review reports; committee minutes, a record of actions taken, record of service denials and appeal request; copies of issued notices of appeal.

## **Financial Accountability**

Evidence that:

- State financial oversight exists to assure that claims are coded and paid in accordance with the reimbursement methodology specified in the approved waiver.

Examples:

Audit reports; monitoring reports; management meeting minutes that reflect analysis, recommendations and actions.

Department of Health & Human Services  
Centers for Medicare & Medicaid Services  
61 Forsyth St., Suite 4120  
Atlanta, Georgia 30303-8909



**RECEIVED**

NOV 08 2006

## MEMORANDUM

Department of Health & Human Services  
OFFICE OF THE DIRECTOR

TO: Robert M. Kerr, Director  
South Carolina Department of Health & Human Services

FROM: Kenni Howard, RN *KH-HW&AS*  
Centers for Medicare & Medicaid Services  
Atlanta Regional Office

*Ref # 347*

RE: Request for evidence for HCBS Waiver # 0284.90.R1

DATE: November 6, 2006

The November 2, 2006, letter previously sent to you reflected an inaccurate date for your response to our request for evidentiary-based information for a compliance review for the HCBS Waiver referenced above. The correct date for the State to submit the information requested is **January 31, 2007**.

Please accept my apologies for the error and any inconvenience it may have caused you or your staff. If you have any questions, please do not hesitate to contact me at 404.562.7413.

Department of Health & Human Services  
Centers for Medicare & Medicaid Services  
61 Forsyth St., Suite 4120  
Atlanta, Georgia 30303-8909



November 2, 2006

Robert M. Kerr, Director  
Department of Health and Human Services  
Post Office Box 8206  
Columbia, South Carolina 29202-8206

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Mr. Robert Kerr  
November 2, 2006  
Page 2

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Sincerely,

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Kenni L. Howard, RN  
Medicaid & SCHIP Policy Branch  
Division of Medicaid and Children's Health

Attachment

cc: Mark Reed, CMS Central Office



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*State of South Carolina*  
*Department of Health and Human Services*

Mark Sanford  
Governor

Robert M. Kerr  
Director

January 18, 2007

Kenni L. Howard, RN  
Medicaid and SCHIP Policy Branch  
Division of Medicaid and Children's Health  
Centers for Medicaid and Medicaid Services  
61 Forsyth Street, Suite, 4T20  
Atlanta, Georgia 30303-8909

Dear Ms. Howard:

Enclosed is South Carolina's Submission of Evidentiary-Based Information with regard to oversight activities of the South Carolina Head and Spinal Cord Injury Waiver (#O284.90.R1). We look forward to CMS' evaluation of South Carolina's performance.

Please contact Jonathan Tapley, (803) 898-2702, if you need additional information regarding this waiver assessment.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert M. Kerr", is written over the typed name.

Robert M. Kerr  
Director

RMK/bwsk

Enclosures

Cc: Mark Reed, CMS Central Office

# 347  
✓