

Spring Brook

BEHAVIORAL HEALTH SYSTEM

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**MEDICAL SERVICES
DHHS**

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Department of Health & Human Services
OFFICE OF THE DIRECTOR

May 18, 2007

Susan B. Bowling
Acting Director, DHHS
P.O. Box 8206
Columbia, SC 29202

Log: Singleton
C: Bowling
Mar. McDaniel
"Approved" 11

Dear Ms. Bowling:

It is my understanding that DHHS had input and support of the Provisio recently passed by the House and Senate regarding existing High Management Group Homes (Group Homes) being allowed to avoid the CON process and become a Residential Treatment Facility (RTF). The Provisio reads " *A High Management Group Home facility may request and be granted a Certificate of Need exemption from the Department of Health and Environmental Control for up to the number of beds existing as of January 1, 2007*". Does the DHHS interpret this Provisio to mean that the existing RTF beds within the current health plan on January 1, 2007 will be the only beds that Group Homes could convert, not any bed they currently operate as a group home bed? Is that the proper interpretation?

Thank you for your time and response.

Cordially,



William A. Touchstone
CEO



State of South Carolina
Department of Health and Human Services

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Mark Sanford
Governor

Susan B. Bowling
Acting Director

June 14, 2007

William A. Touchstone
Chief Executive Officer
SpringBrook Behavioral Health System
One Havenwood Lane
P.O. Box 1005
Travelers Rest, South Carolina 29690

Dear Mr. Touchstone:

This is in response to your letter dated May 18, 2007 relating to a Proviso regarding High Management Group Homes (Proviso 8.35). The language quoted in your letter is not consistent with the language that is currently in the Proviso. Specifically, the language "for up to the number of beds existing as of January 1, 2007" is not in the Proviso. Therefore, it would not be appropriate for the Department of Health and Human Services to comment on language that is not in the Proviso. I have enclosed a copy of the full text of Proviso 8.35 (DHHS: High Management Group Homes) for your information. Also, as you may be aware, Proviso 8.35 is a part of the 2007-2008 Appropriations Bill H3620, which has not been passed.

Thank you for your question and for your continued service to Medicaid beneficiaries. If you have any further questions, please contact me at the number below.

Sincerely,

A handwritten signature in black ink, appearing to read "Byron R. Roberts".

Byron R. Roberts
Assistant General Counsel

BRR/b

Enclosure

Office of General Counsel
P. O. Box 8206 Columbia South Carolina 29202-8206
(803) 898-2795 Fax (803) 255-8210

8.35. (DHHS: High Management Group Homes) An existing facility currently licensed by the South Carolina Department of Social Services and enrolled with the Medicaid agency as a High Management Group Home provider may elect to be enrolled with the Medicaid agency as a Psychiatric Residential Treatment Facility provided the facility meets the following criteria:

1) Department of Health and Environmental Control licensing standards outlined in Regulation 61-103 regarding Residential Treatment Facilities;

2) State and federal laws, regulations, and policies regarding participation as a Psychiatric Residential Treatment Facility;

The facility may request and be granted a Certificate of Need exemption from the Department of Health and Environmental Control. If the current facility cannot meet licensing standards or obtain an exemption or waiver from the Department of Health and Environmental Control, the high management facility, licensed by the Department of Social Services and enrolled with the Medicaid agency as a High Management Group Home, may move and rebuild within the adjacent 20 miles.

High Management Group Homes not electing to operate as a Psychiatric Residential Treatment Facility may continue to receive non-Medicaid state and federal funds only, except as allowed under a transition plan authorized by the Medicaid agency.