

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
Atlanta Regional Office
61 Forsyth Street, Suite 4T20
Atlanta, Georgia 30303



DIVISION OF MEDICAID & CHILDREN'S HEALTH OPERATIONS

November 30, 2012

Mr. Michael Watson
Director
Division of Medical Assistance
North Carolina Department of Health and Human Services
2501 Mail Service Center
Raleigh, North Carolina 27699-2501

Attention: Teresa Smith

RE: North Carolina Title XIX State Plan Amendment, Transmittal # NC12 - 013

Dear Mr. Watson:

We have reviewed the proposed North Carolina Medicaid State Plan Amendment (SPA) NC 12- 013 that was received in the Regional Office on October 16, 2012. This SPA revises the personal care services (PCS) benefit to make the eligibility criteria for receipt of PCS the same irrespective of setting. The payment methodology associated with PCS is appropriately defined as a \$3.88 rate per 15 minute unit. We find the SPA is now in compliance with 42 CFR 440.240 concerning comparability of services. The SPA is also in compliance with 42 CFR 440.230 concerning the sufficiency of the benefit. Because we find that SPA NC 12-013 complies with the requirements of section 1902(a) of the Social Security Act (Act), we are now approving SPA NC 12-013. The effective date of the SPA is January 1, 2013. We are enclosing the approved form HCFA-179 and plan pages.

The approval of this SPA relates solely to the availability of federal financial participation (FFP) for Medicaid covered services. This action does not in any way address the State's independent obligations under the Americans with Disabilities Act or the Supreme Court's Olmstead decision.

CMS further reminds the state that FFP under any Medicaid authority is not available for services to individuals residing in institutions for mental disease (IMDs).

The state has assured CMS that individuals who are assessed to no longer qualify for PCS, or for whom there is a reduction in PCS, will receive a due process notice that explains the reason and informs the individuals of appeal rights and procedures for appealing the adverse decision. These individuals will be entitled to a hearing and maintenance of services throughout the pendency of the appeal.

Mr. Michael Watson

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If you have any questions or need any further assistance, please contact Elaine Elmore at (404) 562-7408.

Sincerely,

/s/

Jackie Glaze

Associate Regional Administrator

Division of Medicaid & Children's Health Operations

Enclosures