

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
601 E. 12th St., Room 355
Kansas City, Missouri 64106



Medicaid and CHIP Operations Group

October 15, 2024

Robert M. Kerr, Medicaid Director
South Carolina Department of Health and Human Services
1801 Main Street
Columbia, SC 29201

RE: Hurricane Helene Appendix K amendment

Dear Director Kerr:

The Centers for Medicare and Medicaid Services (CMS) approves South Carolina's request to amend the following 1915(c) Home and Community-Based Services (HCBS) waivers with the Emergency Preparedness and Response Appendix K in order to respond to the Hurricane Helene emergency.

| WAIVER TITLE | CMS AMENDMENT CONTROL NUMBER |
|--|-------------------------------------|
| HIV/AIDS | SC 0186.R07.06 |
| Intellectual Disability/Related Disabilities | SC 0237.R06.08 |
| Head and Spinal Cord Injury | SC 0284.R06.01 |
| Community Choices | SC 0405.R04.07 |
| Medically Complex Children | SC 0675.R03.07 |
| Community Supports | SC 0676.R03.03 |
| PCSC | SC 1686.R00.04 |
| Mechanical Ventilator Dependent | SC 40181.R06.03 |

Effective September 25, 2024, through January 1, 2025, these amendments make changes in service delivery methods that include waiving certain service limitations, allowing provision of services in alternate settings, modify processes for level of care evaluations or re-evaluations, service plan meetings and assessments to allow for virtual/telephonic completion, removing requirements to receive two waiver services per month, amending requirements for on-site direct observation by the state's quality improvement organization, adjusting certain service definitions and requirements, and adjusting prior authorization requirements.

On September 26, 2024, the President of the United States issued a proclamation that 2024 Hurricane Helene constitutes an emergency by the authorities vested in the President by the Constitution and the laws of the United States, including sections 201 and 301 of the National Emergencies Act (50 U.S.C. 1601 et seq.), and consistent with section 1135 of the Social

Security Act (the Act). On September 30, 2024, pursuant to section 1135(b) of the Act, the Secretary of the United States Department of Health and Human Services (HHS) declared a public health emergency (PHE), invoking the authority to waive or modify certain requirements of titles XVIII, XIX, and XXI of the Act. During a PHE, the CMS may approve the use of section 1135 authority to help ensure that sufficient health care items and services are available to meet the needs of individuals enrolled in Medicaid programs and to ensure that health care providers that furnish such items and services in good faith, but are unable to comply with one or more of such requirements, may be reimbursed for such items and services and exempted from sanctions for such noncompliance, absent any determination of fraud or abuse. This authority took effect as of September 30, 2024, with a retroactive effective date of September 25, 2024. The emergency period will terminate, and section 1135 waivers will no longer be available, upon termination of the PHE, including any extensions.

The State of South Carolina requested a waiver to modify the tribal consultation timeline applicable to the 1915(c) waiver Appendix K amendment submission process. Pursuant to section 1135(b)(5) of the Act, CMS approves the state's request to modify the timeframes associated with tribal consultation required under section 1902(a)(73) of the Act, including conducting consultation after submission of the Appendix K amendments.

We have included the approved Appendix K pages for this waiver with this correspondence. Please utilize the waiver management system for HCBS waivers for any further amendments to these waiver programs other than Appendix K..

Thank you for your cooperation during the review process. If you have any questions concerning this information, please contact George Failla, Director for the Division of HCBS Operations and Oversight, at (410) 786-7561. You may also contact Dell Gist at dell.gist@cms.hhs.gov or (312) 886-2568.

Sincerely,



Courtney Miller
Director

cc:

Margaret Alewine, SCDHHS
Morgan Fisher, SCDHHS
Russell Morrison, SCDHHS
George Failla, CMS
Dell Gist, CMS
Cynthia Nanes, CMS
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