

## **Table of Contents**

**State/Territory Name: North Carolina**

**State Plan Amendment (SPA) #: 22-0017**

This file contains the following documents in the order listed:

- 1) Approval Letter
- 2) Summary Form (with 179-like data)
- 3) Approved SPA Pages

DEPARTMENT OF HEALTH & HUMAN SERVICES  
Centers for Medicare & Medicaid Services  
7500 Security Boulevard, Mail Stop S2-26-12  
Baltimore, Maryland 21244-1850



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February 15, 2023

Dave Richard  
Deputy Secretary of Medical Assistance  
Division of Medical Assistance  
2501 Mail Service Center  
1985 Umstead Drive  
Raleigh, NC 27699

North Carolina State Plan Amendment (SPA) NC-22-0017

Dear Deputy Secretary Richard:

We have reviewed the proposed amendment to add section 7.4 Medicaid Disaster Relief for the COVID-19 National Emergency to your Medicaid state plan, as submitted under transmittal number (TN) 22-0017. This amendment proposes to implement temporary policies, which are different from those policies and procedures otherwise applied under your Medicaid state plan, during the period of the Presidential and Secretarial emergency declarations related to the COVID-19 outbreak (or any renewals thereof).

On March 13, 2020, the President of the United States issued a proclamation that the COVID-19 outbreak in the United States constitutes a national emergency by the authorities vested in him 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 (Act). On March 13, 2020, pursuant to section 1135(b) of the Act, the Secretary of the United States Department of Health and Human Services invoked his authority to waive or modify certain requirements of titles XVIII, XIX, and XXI of the Act as a result of the consequences of the COVID-19 pandemic, to the extent necessary, as determined by the Centers for Medicare & Medicaid Services (CMS), to ensure that sufficient health care items and services are available to meet the needs of individuals enrolled in the respective 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 as a result of the COVID-19 pandemic, 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 6PM Eastern Standard Time on March 15, 2020, with a retroactive effective date of March 1, 2020. The emergency period will terminate, and this state plan provision will no longer be in effect, upon termination of the public health emergency, including any extensions.

Pursuant to section 1135(b)(5) of the Act, for the period of the public health emergency, CMS is modifying the requirement at 42 C.F.R. 430.20 that the state submit SPAs related to the COVID-19 public health emergency by the final day of the quarter, to obtain a SPA effective date during the quarter, enabling SPAs submitted after the last day of the quarter to have an effective date in a previous quarter, but no earlier than the effective date of the public health emergency.

The State of North Carolina also requested a waiver of public notice requirements applicable to the SPA submission process. Pursuant to section 1135(b)(1)(C) of the Act, CMS is waiving public notice requirements applicable to the SPA submission process. Public notice for SPAs is required under 42 C.F.R. §447.205 for changes in statewide methods and standards for setting Medicaid payment rates, 42 C.F.R. §447.57 for changes to premiums and cost sharing, and 42 C.F.R. §440.386 for changes to Alternative Benefit Plans (ABPs). Pursuant to section 1135(b)(1)(C) of the Act, CMS is approving the state's request to waive these notice requirements otherwise applicable to SPA submissions.

The State of North Carolina also requested a waiver to modify the tribal consultation timeline applicable to this SPA submission process. Pursuant to section 1135(b)(5) of the Act, CMS is also allowing states to modify the timeframes associated with tribal consultation required under section 1902(a)(73) of the Act, including shortening the number of days before submission or conducting consultation after submission of the SPA.

These waivers or modifications of the requirements related to SPA submission timelines, public notice, and tribal consultation apply only with respect to SPAs that meet the following criteria: (1) the SPA provides or increases beneficiary access to items and services related to COVID-19 (such as by waiving or eliminating cost sharing, increasing payment rates or amending Alternative Benefit Plans to add services or providers); (2) the SPA does not restrict or limit payment or services or otherwise burden beneficiaries and providers; and (3) the SPA is temporary, with a specified sunset date that is not later than the last day of the declared COVID-19 public health emergency (or any extension thereof). We nonetheless encourage states to make all relevant information about the SPA available to the public so they are aware of the changes.

We conducted our review of your submittal according to the statutory requirements at section 1902(a) of the Act and implementing regulations. This letter is to inform you that North Carolina's Medicaid SPA Transmittal Number 22-0017 is approved effective March 1, 2020.

Enclosed is a copy of the CMS-179 summary form and the approved state plan pages.

Please contact Robert Townes at (215) 861-4716 or via email at [Robert.Townes@cms.hhs.gov](mailto:Robert.Townes@cms.hhs.gov) if you have any questions about this approval. We appreciate the efforts of you and your staff in responding to the needs of the residents of the State of North Carolina and the health care community.

Sincerely,

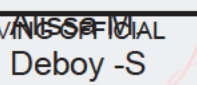
Alissa M.  
Deboy -S

Digitally signed by Alissa  
M. Deboy -S  
Date: 2023.02.15  
08:17:38 -05'00'

Alissa Mooney DeBoy  
On Behalf of Anne Marie Costello, Deputy Director  
Center for Medicaid and CHIP Services

Enclosures

cc: Betty J Staton, NC DHHS  
Cecilia Williams, NC DHHS  
Emma Sandoe, NC DHHS

<b>TRANSMITTAL AND NOTICE OF APPROVAL OF STATE PLAN MATERIAL FOR: CENTERS FOR MEDICARE &amp; MEDICAID SERVICES</b>		1. TRANSMITTAL NUMBER <u>2 2</u> — <u>0 0</u> <u>1 7</u>	2. STATE <u>NC</u>
TO: CENTER DIRECTOR CENTERS FOR MEDICAID & CHIP SERVICES DEPARTMENT OF HEALTH AND HUMAN SERVICES		3. PROGRAM IDENTIFICATION: TITLE OF THE SOCIAL SECURITY ACT <input checked="" type="radio"/> XIX <input type="radio"/> XXI	
5. FEDERAL STATUTE/REGULATION CITATION  Title XIX of the Social Security Act & Sec. 1135 of the SSA		4. PROPOSED EFFECTIVE DATE  March 01, 2020	
7. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT  Section 7 Pages 89k-89t		6. FEDERAL BUDGET IMPACT (Amounts in WHOLE dollars) a. FFY <u>20</u> \$ <u>838,774,712</u> P&I: \$0 b. FFY <u>21</u> \$ <u>1,264,519,025</u> P&I: \$0	
9. SUBJECT OF AMENDMENT  Temp Non HCBS COVID Rate Increase		8. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable)  Medicaid Disaster Relief SPA Template Section 7 Pages 89k-89t	
10. GOVERNOR'S REVIEW (Check One) <input type="radio"/> GOVERNOR'S OFFICE REPORTED NO COMMENT <input type="radio"/> COMMENTS OF GOVERNOR'S OFFICE ENCLOSED <input type="radio"/> NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL <input checked="" type="radio"/> OTHER, AS SPECIFIED: Secretary			
[REDACTED] AGENCY OFFICIAL		15. RETURN TO Office of the Secretary Department of Health and Human Services 2001 Mail Service Center Raleigh, NC 27699-20014	
Kody H. Kinsley		13. TITLE Secretary	
14. DATE SUBMITTED 05/23/22   10:43 AM EDT		17. DATE APPROVED 02/15/2023	
<b>FOR CMS USE ONLY</b>			
16. DATE RECEIVED 05/22/2022		17. DATE APPROVED 02/15/2023	
<b>PLAN APPROVED - ONE COPY ATTACHED</b>			
18. EFFECTIVE DATE OF APPROVED MATERIAL 03/01/2020		19. SIGNATURE OF APPROVING OFFICIAL  Deboy -S <small>Digitally signed by Alissa M. Deboy -S Date: 2023.02.15 08:17:55 -05'00'</small>	
20. TYPED NAME OF APPROVING OFFICIAL Alissa Mooney DeBoy		21. TITLE OF APPROVING OFFICIAL On Behalf of Anne Marie Costello, Deputy Director Center for Medicaid and CHIP Services	
22. REMARKS 1/09/23: NC authorizes Pen and Ink (P&I) change for item 6) Federal Budget Impact to reflect the correct budget impact of \$0 for a. FFY 20 and b. FFY 21.  On 2/13/23 State sent email authorizing "Pen and Ink" change under the Federal Statute in Box 5 and Page Number of the Plan Section in Box 7. On 2/13/23: CMS made pen and ink corrections to boxes 5, 7 and 8.			

## Section 7 – General Provisions

### 7.4. Medicaid Disaster Relief for the COVID-19 National Emergency

On March 13, 2020, the President of the United States issued a proclamation that the COVID-19 outbreak in the United States constitutes a national emergency by the authorities vested in him 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 (Act). On March 13, 2020, pursuant to section 1135(b) of the Act, the Secretary of the United States Department of Health and Human Services invoked his authority to waive or modify certain requirements of titles XVIII, XIX, and XXI of the Act as a result of the consequences COVID-19 pandemic, to the extent necessary, as determined by the Centers for Medicare & Medicaid Services (CMS), to ensure that sufficient health care items and services are available to meet the needs of individuals enrolled in the respective 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 as a result of the COVID-19 pandemic, 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 6PM Eastern Standard Time on March 15, 2020, with a retroactive effective date of March 1, 2020. The emergency period will terminate, and waivers will no longer be available, upon termination of the public health emergency, including any extensions.

The State Medicaid agency (agency) seeks to implement the policies and procedures described below, which are different than the policies and procedures otherwise applied under the Medicaid state plan, during the period of the Presidential and Secretarial emergency declarations related to the COVID-19 outbreak (or any renewals thereof), or for any shorter period described below:

Effective April 1, 2020-June 30, 2021, an additional 10% (additional to a previous COVID SPA that granted a 5% increase) rate increase for Skilled Nursing Facilities, PCS providers (Adult Care Homes and In-Home), Home Health Providers, Veteran Home Nursing Facilities, and the Tsali Tribal Skilled Nursing Facility.

For Dates of Service March 10, 2020 to March 31, 2020, inclusive, telephone services billable under G0071 by an FQHC/RHC will be paid at an amount equal to the FQHC/RHC PPS rate.

NOTE: States may not elect a period longer than the Presidential or Secretarial emergency declaration (or any renewal thereof). States may not propose changes on this template that restrict or limit payment, services, or eligibility, or otherwise burden beneficiaries and providers.

#### Request for Waivers under Section 1135

The agency seeks the following under section 1135(b)(1)(C) and/or section 1135(b)(5) of the Act:

- a.  SPA submission requirements – the agency requests modification of the requirement to submit the SPA by March 31, 2020, to obtain a SPA effective date during the first calendar quarter of 2020, pursuant to 42 CFR 430.20.
- b.  Public notice requirements – the agency requests waiver of public notice requirements that would otherwise be applicable to this SPA submission. These

requirements may include those specified in 42 CFR 440.386 (Alternative Benefit Plans), 42 CFR 447.57(c) (premiums and cost sharing), and 42 CFR 447.205 (public notice of changes in statewide methods and standards for setting payment rates).

- c.  Tribal consultation requirements – the agency requests modification of tribal consultation timelines specified in North Carolina Medicaid state plan, as described below:

Medicaid will notify the Tribe of all SPA changes on or before submission to CMS and offer a telephonic meeting to discuss.

**Section A – Eligibility**

- 1.  The agency furnishes medical assistance to the following optional groups of individuals described in section 1902(a)(10)(A)(ii) or 1902(a)(10)(c) of the Act. This may include the new optional group described at section 1902(a)(10)(A)(ii)(XXIII) and 1902(ss) of the Act providing coverage for uninsured individuals.

- 2.  The agency furnishes medical assistance to the following populations of individuals described in section 1902(a)(10)(A)(ii)(XX) of the Act and 42 CFR 435.218:

- a.  All individuals who are described in section 1905(a)(10)(A)(ii)(XX)

Income standard: \_\_\_\_\_

-or-

- b.  Individuals described in the following categorical populations in section 1905(a) of the Act:

Income standard: \_\_\_\_\_

- 3.  The agency applies less restrictive financial methodologies to individuals excepted from financial methodologies based on modified adjusted gross income (MAGI) as follows.

Less restrictive income methodologies:

Less restrictive resource methodologies:

- 4.  The agency considers individuals who are evacuated from the state, who leave the state for medical reasons related to the disaster or public health emergency, or who are otherwise absent from the state due to the disaster or public health emergency and who intend to return to the state, to continue to be residents of the state under 42 CFR 435.403(j)(3).

- 5.  The agency provides Medicaid coverage to the following individuals living in the state, who are non-residents:

- \_\_\_\_\_
6.  The agency provides for an extension of the reasonable opportunity period for non-citizens declaring to be in a satisfactory immigration status, if the non-citizen is making a good faith effort to resolve any inconsistencies or obtain any necessary documentation, or the agency is unable to complete the verification process within the 90-day reasonable opportunity period due to the disaster or public health emergency.

**Section B – Enrollment**

1. \_\_\_\_\_ The agency elects to allow hospitals to make presumptive eligibility determinations for the following additional state plan populations, or for populations in an approved section 1115 demonstration, in accordance with section 1902(a)(47)(B) of the Act and 42 CFR 435.1110, provided that the agency has determined that the hospital is capable of making such determinations.
- \_\_\_\_\_

2. \_\_\_\_\_ The agency designates itself as a qualified entity for purposes of making presumptive eligibility determinations described below in accordance with sections 1920, 1920A, 1920B, and 1920C of the Act and 42 CFR Part 435 Subpart L.
- \_\_\_\_\_

3. \_\_\_\_\_ The agency designates the following entities as qualified entities for purposes of making presumptive eligibility determinations or adds additional populations as described below in accordance with sections 1920, 1920A, 1920B, and 1920C of the Act and 42 CFR Part 435 Subpart L. Indicate if any designated entities are permitted to make presumptive eligibility determinations only for specified populations.
- \_\_\_\_\_

4. \_\_\_\_\_ The agency adopts a total of \_\_\_\_\_ months (not to exceed 12 months) continuous eligibility for children under age \_\_\_\_\_ (not to exceed age 19) regardless of changes in circumstances in accordance with section 1902(e)(12) of the Act and 42 CFR 435.926.

5. \_\_\_\_\_ The agency conducts redeterminations of eligibility for individuals excepted from MAGI-based financial methodologies under 42 CFR 435.603(j) once every \_\_\_\_\_ months (not to exceed 12 months) in accordance with 42 CFR 435.916(b).

6. \_\_\_\_\_ The agency uses the following simplified application(s) to support enrollment in affected areas or for affected individuals (a copy of the simplified application(s) has been submitted to CMS).
- a. \_\_\_\_\_ The agency uses a simplified paper application.
  - b. \_\_\_\_\_ The agency uses a simplified online application.
  - c. \_\_\_\_\_ The simplified paper or online application is made available for use in call-centers or other telephone applications in affected areas.

**Section C – Premiums and Cost Sharing**

- 1.  The agency suspends deductibles, copayments, coinsurance, and other cost sharing charges as follows:

- 2.  The agency suspends enrollment fees, premiums and similar charges for:

- a.  All beneficiaries

- b.  The following eligibility groups or categorical populations:

- 3.  The agency allows waiver of payment of the enrollment fee, premiums and similar charges for undue hardship.

**Section D – Benefits**

*Benefits:*

- 1.  The agency adds the following optional benefits in its state plan (include service descriptions, provider qualifications, and limitations on amount, duration or scope of the benefit):

- 2.  The agency makes the following adjustments to benefits currently covered in the state plan:

- a) Suspend the requirement that service levels must be re-assessed and re-authorized at least annually for personal care services. (Attachment 3.1-A.1 Page 20)
- b) Suspend the mandatory services visit limit of 22. (Attachment 3.1-A.1 Page 5)
- c) Suspend the requirement for medical transportation assessment every twelve months for nonemergency medical transportation (NEMT). (Attachment 3.1-D Page 2)
- d) Suspend the requirement for counties and the federally recognized tribe to audit 2% of the trips made each month for NEMT. (Attachment 3.1-D Page 3)
- e) Suspend Mobile Crisis Management training requirements and allow for supervision by any licensed professional if Team Lead is sick/ unavailable. (Attachment 3.1-A.1 Page 7c.5a)
- f) Suspend Intensive In-Home training requirements and change the 2-hour minimum to 1-hour minimum. (Attachment 3.1-A.1 Page 7c.6a)
- g) Suspend the requirement for Multi-Systemic Therapy of 12 contacts within first month and 6 in month 2 and 3 (unless individual/family member becomes ill during month and cannot receive services), suspend training requirements, allow supervision by another masters level qualified provider if team lead is sick/unavailable, suspend 3-5 month duration of service. (Attachment 3.1-A.1 Pages 7c.7 - 7a)
- h) Suspend Community Support Team requirements for team composition if staff is sick/unavailable. Suspend requirement that associate licensed professional team lead be fully licensed within 30 months. Suspend maximum of 8 units for first and last 30 day period for



- beneficiaries transitioning to/from certain other services and allow for 40 units. (Attachment 3.1-A.1 Page 15a.6-6a)
- i) Suspend Assertive Community Treatment Team (ACTT) requirements for team composition if staff sick/unavailable. Suspend staff/bene ratio. Suspend fidelity to the model. (Attachment 3.1-A.1 Page 15a.7)
  - j) Suspend minimum hours per day for Psychosocial Rehabilitation. Suspend staff ratio if telephonic - not if facility. (Attachment 3.1-A.1 Pages 15a.3-3a)
  - k) Suspend Partial Hospitalization minimum per day - must have 10 hours per week. (Attachment 3.1-A.1 Page 7c.5)
  - l) Suspend minimum hours per day to 1.5hrs/day, 3 days per week for Substance Abuse Intensive Outpatient Program. Suspend staff ratio. Suspend the requirement that CCS or LCAS are on site 50% of the hours they are open and instead be available telephonically. Suspend the requirement that services must be done in facility. Suspend Urinalysis Drug Screenings. (Attachment 3.1-A.1 Page 7c.8)
  - m) For Substance Abuse Comprehensive Outpatient Treatment, reduce minimum to 2 hours per day, 5 days per week. Suspend Urinalysis Drug Screenings. (Attachment 3.1-A.1 Page 15a.10)
  - n) For Substance Abuse Non-Medical Community Residential Treatment, suspend more than 30 days in 12 months. (Attachment 3.1-A.1 Page 15a.11)
  - o) For Substance Abuse Medically Monitored Community Residential Treatment, suspend more than 30 days in 12 months. (Attachment 3.1-A.1 Page 15a.11-A)
  - p) Non-Hospital Medical Detoxification. Suspend more than 30 days in 12 months. (Attachment 3.1-A.1 Page 15a.12-A).
  - q) Suspend staff training requirements for Therapeutic Foster Care. (Attachment 3.1-A Pages 15a.18d-35)
  - r) For Residential Level IV, suspend parent and legal guardian must participate in rehabilitation plan development and implementation if unavailable due to illness. Suspend opportunity for beneficiary inclusion in community activities. Suspend training except for sex offender-specific training. (Attachment 3.1-A Pages 15a.18d-35)
  - s) Suspend TL limits - up to 90 days for Therapeutic Leave for Psychiatric Residential Treatment Facilities (PRTF) and Levels II-IV Residential Facilities. (Attachment 4.19-C Page 2)
  - t) Suspend TL limits - up to 120 days for Therapeutic Leave for Nursing Facilities and Intermediate Care for the Mentally Retarded (ICF-MR). (Attachment 4.19-C Page 1)
  - u) Suspend 30-day max with PA for Professional Treatment Services in Facility-Based Crisis Program. (Attachment 3.1-A.1 Pages 7c.9a-9e)
  - v) Suspend 30-day max with PA for Facility-Based Crisis Programs (FBC) (Attachment 3.1-A.1 Pages 7c.9a-9e)
  - w) Suspend 30-day max within 12 months for Medically Supervised or ADATC Detoxification Crisis Stabilization. (Attachment 3.1-A.1 Page 15a.13)

3.  The agency assures that newly added benefits or adjustments to benefits comply with all applicable statutory requirements, including the statewideness requirements found at 1902(a)(1), comparability requirements found at 1902(a)(10)(B), and free choice of provider requirements found at 1902(a)(23).

4.  Application to Alternative Benefit Plans (ABP). The state adheres to all ABP provisions in 42 CFR Part 440, Subpart C. This section only applies to states that have an approved ABP(s).

- a.  The agency assures that these newly added and/or adjusted benefits will be made available to individuals receiving services under ABPs.
- b.  Individuals receiving services under ABPs will not receive these newly added and/or adjusted benefits, or will only receive the following subset:

*Telehealth:*

5.  The agency utilizes telehealth in the following manner, which may be different than outlined in the state's approved state plan:

*Drug Benefit:*

6.  The agency makes the following adjustments to the day supply or quantity limit for covered outpatient drugs. The agency should only make this modification if its current state plan pages have limits on the amount of medication dispensed.

7.  Prior authorization for medications is expanded by automatic renewal without clinical review, or time/quantity extensions.

8.  The agency makes the following payment adjustment to the professional dispensing fee when additional costs are incurred by the providers for delivery. States will need to supply documentation to justify the additional fees.

NC Medicaid is adding the following fees, in addition to the pharmacy reimbursement that is currently listed in our State Plan, for prescriptions where a Medicaid beneficiary has requested that a pharmacy provider mail or deliver their prescription to them:

- Add a \$1.50 fee to the pharmacy claim if a prescription is mailed to a beneficiary through a postal carrier such as USPS, UPS, FedEx, etc. There is a maximum of one of these charges allowed per beneficiary per provider per day.

- Add a \$3.00 fee to the pharmacy claim if a prescription is delivered to a beneficiary or their designee via a courier-type person-to-person delivery. There is a maximum of one of these charges allowed per beneficiary per provider per day.

Justification for the addition of these fees include the North Carolina Governor's Executive stay-at-home order for social distancing and the need for high risk patients to shelter at home, if at all possible, at all times during the COVID-19 Emergency order. Pharmacy providers are also having an increase in operational costs due to wanting to provide this service for our Medicaid beneficiaries.

9.  The agency makes exceptions to their published Preferred Drug List if drug shortages occur. This would include options for covering a brand name drug product that is a multi-source drug if a generic drug option is not available.

**Section E – Payments***Optional benefits described in Section D:*

1. \_\_\_\_\_ Newly added benefits described in Section D are paid using the following methodology:

- a. \_\_\_\_\_ Published fee schedules –

Effective date (enter date of change): \_\_\_\_\_

Location (list published location): \_\_\_\_\_

- b. \_\_\_\_\_ Other:

*Describe methodology here.*

*Increases to state plan payment methodologies:*

2.  The agency increases payment rates for the following services:

Effective April 1, 2020, through June 30, 2021, an additional temporary 10% rate increase will be applied ONLY to the following FFS programs:

Skilled Nursing Facilities, PCS providers (Adult Care Homes and In-Home), Home Health Providers, Veteran Home Nursing Facilities, and the Tsalali Tribal Skilled Nursing Facility. This is on top of 5% rate increases requested in North Carolina's previous disaster SPA request and is submitted based on conversations with facilities about increased needs they face related to prevention of COVID-19 outbreaks in their facilities. The state will provide additional rate increases to providers with specific issues; for example, an outbreak within a nursing facility, as described the state's first disaster SPA submission. The methodology for calculating these targeted increases has not changed.

Effective March 1, 2020 through June 30 2021, a 5% rate increase will be implemented for all Medicaid programs, including Indian Health Services and Cherokee Indian Health Association programs, that did not receive the 5% increase previously awarded in NC Disaster Relief SPA 20-0008 for specific programs targeted in the initial Disaster Relief SPA submitted by the state.

- a.  Payment increases are targeted based on the following criteria:

*Please describe criteria.*

To support the infection prevention and management activities of providers serving beneficiaries at high risk of contracting COVID-19. Also addresses increased costs of Medicaid providers during the COVID-19 pandemic experiencing COVID-19 outbreaks and servicing COVID19+ Medicaid beneficiaries, and to provide aid to North Carolinians in response to the Coronavirus Disease 2019(COVID-19) Crisis.

- b. Payments are increased through:

- i. \_\_\_\_\_ A supplemental payment or add-on within applicable upper payment

TN: 22-0017

Supersedes TN: 20-0009

Approval Date: 02/15/23

Effective Date: 03/01/20

limits:

*Please describe.*

- ii.  An increase to rates as described below.

Rates are increased:

Uniformly by the following percentage:  5% and/or 10%

Through a modification to published fee schedules –

Effective date (enter date of change):  03/01/2020

Location (list published location):  DHB website

Up to the Medicare payments for equivalent services.

By the following factors:

*Please describe.*

Additional rate increases to support specific providers who may be experiencing a disproportionate impact (e.g., a Nursing Facility and Adult Care Homes experiencing an outbreak) and facilities volunteering to house COVID-19+ patients only.

*Payment for services delivered via telehealth:*

- 3.  For the duration of the emergency, the state authorizes payments for telehealth services that:

- a.  Are not otherwise paid under the Medicaid state plan;
- b.  Differ from payments for the same services when provided face to face;
- c.  Differ from current state plan provisions governing reimbursement for telehealth;

*Describe telehealth payment variation.*

- d.  Include payment for ancillary costs associated with the delivery of covered services via telehealth, (if applicable), as follows:
  - i.  Ancillary cost associated with the originating site for telehealth is incorporated into fee-for-service rates.
  - ii.  Ancillary cost associated with the originating site for telehealth is separately reimbursed as an administrative cost by the state when a Medicaid service is delivered.

*Other:*

4.  Other payment changes:

For telephone services billable under G0071 by an FQHC/RHC, for the dates of service March 10, 2020 through March 31, 2020, inclusive, FQHCs/RHCs will be paid at an amount equal to the FQHC/RHC PPS rate (an increase from the rate approved in SPA-NC-20-0008). For services from March 1, 2020 to March 9, 2020 and from April 1, 2020 through the end of the PHE, telephone services billable under G0071 by an FQHC/RHC will be paid at the same rate as approved in SPANC-

20-0008, which is an amount equal to 80% of the standard E&M rate.

Prior to the public health emergency, the FQHCs and RHCs were not allowed to provide telephonic or telehealth services as distant sites for NC Medicaid (or Medicare) beneficiaries. For this reason, their systems were not at all developed to provide rapid telehealth services. To maintain Medicaid beneficiary's access to care in the midst of social distancing, the state authorized all primary health care providers, including FQHCs and RHCs, to conduct telephonic and telehealth visits. Telehealth visits would be paid at parity with office visits (for FQHCs and RHCs, telehealth would be considered an encounter), while telephonic services billable under G0071 by FQHCs and RHCs would be paid at 80% of a standard face-to-face Evaluation & Management (E&M) office visit (as described in SPA-NC-20-0008), with the exception of the period of March 10 to March 31, 2020 (as described in the preceding paragraph).

For Therapeutic Leave for Psychiatric Residential Treatment Facilities (PRTF), reimburse when the patient is hospitalized as well as when they are absent from the facility at their family's home. (Attachment 4.19-C Page 2). See Benefits section Item s.

For Therapeutic Leave for Nursing Facilities and Intermediate Care for the Mentally Retarded (ICF-MR), reimburse when the patient is hospitalized as well as when they are absent from the facility at their family's home. (Attachment 4.19-C Page 1). See Benefits section Item t.

**Section F – Post-Eligibility Treatment of Income**

1.  The state elects to modify the basic personal needs allowance for institutionalized individuals. The basic personal needs allowance is equal to one of the following amounts:
  - a.  The individual's total income
  - b.  300 percent of the SSI federal benefit rate
  - c.  Other reasonable amount: \_\_\_\_\_
2.  The state elects a new variance to the basic personal needs allowance. (Note: Election of this option is not dependent on a state electing the option described the option in F.1. above.)

The state protects amounts exceeding the basic personal needs allowance for individuals who have the following greater personal needs:

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**Section G – Other Policies and Procedures Differing from Approved Medicaid State Plan /Additional Information**

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**PRA Disclosure Statement**

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0938-1148 (Expires 03/31/2021). The time required to complete this information collection is estimated to average 1 to 2 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. Your response is required to receive a waiver under Section 1135 of the Social Security Act. All responses are public and will be made available on the CMS web site. If you have comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: CMS, 7500 Security Boulevard, Attn: PRA Reports Clearance Officer, Mail Stop C4-26-05, Baltimore, Maryland 21244-1850. \*\*\*CMS Disclosure\*\*\* Please do not send applications, claims, payments, medical records or any documents containing sensitive information to the PRA Reports Clearance Office. Please note that any correspondence not pertaining to the information collection burden approved under the associated OMB control number listed on this form will not be reviewed, forwarded, or retained. If you have questions or concerns regarding where to submit your documents, please contact the Centers for Medicaid & CHIP Services at 410-786-3870.