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State/Territory Name: South Carolina

State Plan Amendment (SPA) #: 23-0010

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
601 E. 12th St., Room 355
Kansas City, Missouri 64106



Medicaid and CHIP Operations Group

October 12, 2023

Robert M. Kerr, Director
South Carolina Department of Health & Human Services
P.O. Box 8206
Columbia, South Carolina 29202-8206

Re: South Carolina State Plan Amendment (SPA) 23-0010

Dear Director Kerr:

The Centers for Medicare & Medicaid Services (CMS) reviewed your Medicaid State Plan Amendment (SPA) submitted under transmittal number (TN) 23-0010. This SPA proposes to consolidate Registered Nurse (RN) and Licensed Practical Nurse (LPN) services into one consolidated nursing service and revises policy for reimbursement to family members under the Early and Periodic Screening Diagnosis and Treatment (EPSDT) benefit.

We conducted our review of your submittal according to statutory requirements in 42 C.F.R. Section 1902(a). This letter is to inform you that South Carolina's Medicaid SPA 23-0010 was approved on October 11, 2023, with an effective date of July 1, 2023.

Enclosed are copies of the approved CMS-179 summary form and the approved SPA pages to be incorporated into the South Carolina State Plan.

If you have any questions, please contact Etta Hawkins at (404) 562-7429 or via email at Etta.Hawkins@cms.hhs.gov.

Sincerely

A solid black rectangular box redacting the signature of James G. Scott.

James G. Scott, Director
Division of Program Operations

Enclosures

cc: Margaret Alewine
Sheila Chavis

**TRANSMITTAL AND NOTICE OF APPROVAL OF
STATE PLAN MATERIAL
FOR: CENTERS FOR MEDICARE & MEDICAID SERVICES**

1. TRANSMITTAL NUMBER
2 3 - 0 0 1 0

2. STATE
S C

3. PROGRAM IDENTIFICATION: TITLE OF THE SOCIAL SECURITY ACT
 XIX XXI

TO: CENTER DIRECTOR
CENTERS FOR MEDICAID & CHIP SERVICES
DEPARTMENT OF HEALTH AND HUMAN SERVICES

4. PROPOSED EFFECTIVE DATE
July 1, 2023

5. FEDERAL STATUTE/REGULATION CITATION
Title XIX of Social Security Act, 42 CFR Sec. 1902(a)

6. FEDERAL BUDGET IMPACT (Amounts in WHOLE dollars)
a. FFY 2023 \$ 1,250,000
b. FFY 2024 \$ 5,000,000

7. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT

Attachment 3.1-A Limitation Supplement, page 1c
Attachment 4.19-B, page 2.1

8. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable)

Attachment 3.1-A Limitation Supplement, page 1c
Attachment 4.19-B, page 2.1

9. SUBJECT OF AMENDMENT

This SPA will consolidate RN and LPN nurse services into one consolidated nursing service and revise policy for reimbursement to family members under the EPSDT Benefit.

10. GOVERNOR'S REVIEW (Check One)
 GOVERNOR'S OFFICE REPORTED NO COMMENT
 COMMENTS OF GOVERNOR'S OFFICE ENCLOSED
 NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL
 OTHER, AS SPECIFIED:

11. [REDACTED] POLICY OFFICIAL

15. RETURN TO
South Carolina Department of Health and Human Services
Post Office Box 8206
Columbia, SC 29202-8206

12. TYPED NAME
Robert M. Kerr

13. TITLE
Director

14. DATE SUBMITTED
July 10, 2023

Mr. Kerr was designated by the Governor to review and approve all State Plans.

FOR CMS USE ONLY

16. DATE RECEIVED
July 17, 2023

17. DATE APPROVED
October 11, 2023

PLAN APPROVED - ONE COPY ATTACHED

18. EFFECTIVE DATE OF APPROVED MATERIAL
July 1, 2023

19. SIGNATURE OF APPROVING OFFICIAL
[REDACTED]

20. TYPED NAME OF APPROVING OFFICIAL
James G. Scott

21. TITLE OF APPROVING OFFICIAL
Director, Division of Program Operations

22. REMARKS

4.b EPSDT continued:

Home Based Private duty nursing services are available in the home to all recipients under age 21 who are found to be in need of such services on the basis of State established medical necessity criteria. The services must be ordered by the attending physician and must be provided by a Licensed Practical Nurse (LPN) or a Registered Nurse (RN), licensed by the State Board of Nursing for South Carolina. Immediate family members cannot be reimbursed for providing these services. Home Based Private duty nursing services meet the requirements at 42 CFR 440.80.

The State will not preclude the provision of private duty nursing services during those hours of the day that the beneficiary's normal life activities take her outside of her home to attend school. Private duty nursing services rendered during those hours when the beneficiary's normal life activities take him or her outside of the home are coverable.

Personal Care services are available to all recipients under age 21 who are found to be in need of such services on the basis of state established medical necessity criteria. In accordance with 42 CFR 440.167, Personal Care Services means services furnished to an individual who is not an inpatient or resident of a hospital, nursing facility, intermediate care facility for individuals with intellectual disabilities, or institution for mental disease. Personal Care Services are designed to enable participants to accomplish tasks that they would normally do for themselves if they did not have a disability. This assistance may take the form of hands-on assistance (performing a task for the person) or cuing to prompt the participant to perform a task. Such assistance may include assistance in activities of daily living (bathing, dressing, toileting, transferring, maintaining continence, etc.). Instrumental Activities of Daily Living (IADL's) including home support (cleaning, laundry, shopping, home safety and errands) may be done as a part of the assistance given in the provision of activities of daily living. Personal care services may be provided on an episodic or on a continuing basis and are performed by personal care agencies. Personal care services are furnished in the participant's home. Any services authorized outside a home setting must be prior approved by the State. Personal care agencies must meet SCDHHS scope of service requirements. A licensed nurse must oversee all direct care staff of a personal care agency. Personal Care Aides must be able to communicate effectively with both participants and supervisors, be fully ambulatory, capable of aiding with recipient's activities of daily living, capable of following a care plan, criminal background checks must verify that the personal care aide has never been involved in substantiated abuse or neglect, be at least 18 years of age, pass a competency test and complete yearly training. The amount and duration of services must be prior authorized and re-authorized based on the recipient/s medical needs at regular intervals by the DHHS. In accordance with 42 CFR 440.167, Personal Care Services cannot be reimbursed to legally responsible family members.

Reimbursement for home based private duty nursing services may be made to certain family members who meet South Carolina Medicaid provider qualifications. Should there be any question as to whether a paid caregiver falls in any of the categories listed above, SCDHHS legal counsel will make a determination.

In accordance with 42 CFR 440.110 Physical and Occupational therapy means services prescribed by a physician or other licensed practitioner of the healing arts within scope of his or her practice under state law and provided to a beneficiary by or under the direction of a qualified physical therapist or a qualified occupational therapist. Physical and occupational therapy services as prescribed by a licensed physician, identified as a needed service through an EPSDT exam or evaluation and identified on a prior authorized treatment plan.

Home Based Private Duty Nursing Services:

Effective July 1, 2023, Home Based Private Duty Nursing reimbursement rates will be combined into one rate for RN and LPN. Salaries, fringe benefits, limited direct, and indirect costs are considered in the development of the rates. Except as otherwise noted in the plan, the state-developed fee schedule rates are the same for both governmental and private providers of home based private duty nursing services. The agency's fee schedule rate was set as of July 1, 2023 and is effective for services provided on or after that date. The hourly rate for Home Based Private Duty nursing services is as follows:

Home Based Private Duty Nursing - \$42.00

Effective May 1, 2009, an additional classification of home-based private nursing services is reimbursable for services provided to children who are ventilator or respirator dependent, intubated or dependent on parenteral feeding or any combination of the above. This service has been developed to recognize the skill level that nurses caring for these children must have over and above normal home-based services. An hourly rate adjustment of \$3.00 is added to the home based rate for services provided to those children who are defined as High Risk/High Tech. Effective for services provided on or after July 1, 2023, the following enhanced rate is reflected below:

Enhanced Home Based Private Duty Nursing - \$45.00

Personal Care Services:

The Personal Care service reimbursement rate (currently \$25.00/hour was initially established based upon projected service costs of providers. The payment rate is calculated for Personal Care services on an hourly basis. This rate does not cover room and board services provided to Medicaid recipients. Annual cost reports are reviewed on an as needed basis to ensure the appropriateness of the payment rates in accordance with allowable cost definitions as outlined in 45 CFR Part 75 and 42 CFR Part 413. Except as otherwise noted in the plan, state-developed fee schedule rates are the same for both governmental and private providers of Personal Care services.

SC 23-0010
EFFECTIVE DATE: 07/01/23
APPROVAL DATE: 10/11/23
SUPERSEDES: SC 23-0001