



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

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LME-MCO Communication Bulletin #J337

Date: September 5, 2019

To: Local Management Entities/Managed Care Organizations (LME-MCOs)

From: Deb Goda, Behavioral Health Unit Manager, NC Medicaid

Subject: Innovations Waiver Flexibility Due to Hurricane Dorian

This bulletin is to inform LME-MCOs of Innovations waiver flexibilities due to Hurricane Dorian that the State has received from the Centers for Medicare & Medicaid Services (CMS). These flexibilities are intended for NC Innovations Waiver beneficiaries impacted by the hurricane either directly or due to their staff being impacted and unable to provide services. They are not intended to be utilized by every waiver beneficiary. They are intended to be utilized only as long as needed and not further than December 3, 2019 unless the Department extends this end date in the waiver. LME-MCOs should be assessing the continued need for these flexibilities case-by-case. Providers must resume compliance with normal NC Medicaid rules and regulations as soon as they are able to do so. This includes requesting prior approval, completing background checks and training staff.

NC Medicaid will allow the following approved in the approved 1135 waiver

- More than the maximum number of hours allowed of Innovations waiver services may be provided by a relative of an adult who resides with the waiver beneficiary for 90 days. *This should only be used for cases where the family is unable to be reached by provider staff or when staff is unavailable due to being displaced by the hurricane.*
- Services may be provided without prior approval from September 4, 2019 to December 3, 2019 *This should only be in cases where additional services were needed by the beneficiary because of the hurricane and either the beneficiary could not reach the provider to notify them of this need or the provider did not have the time/ability to submit prior approval. At this point, a majority of these issues should be resolved.* Additional time will be granted to enrollees to request state fair hearings.

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NC Medicaid will allow the following additional flexibilities for the Innovations waiver through an Appendix K application which has been approved by CMS:

- Relatives of waiver beneficiaries who reside in the home or out of the home to provide services prior to a background check and training for 90 days. It is understood that the background check will be completed by the agency as soon as possible after the service begins and training will occur as soon as possible without leaving the beneficiary without necessary care.
- More than the maximum number of hours allowed for a relative who resides with an adult beneficiary may be provided by that relative for up to 90 days. The relative may also provide Community Networking and Supported Employment for 90 days. This can only be used for cases where the family is unable to be reached by provider staff or when staff is unavailable due to being displaced by the hurricane.
- Direct care may be provided in a hotel, shelter, church, or alternative facility-based setting or the home of a direct care worker when the waiver participant is displaced from the home because of the hurricane, or the provider facility is inaccessible/damaged.
- Repair or replacement of home and vehicle modifications and waiver equipment, supplies, or assistive technology in excess of the waiver period limitations. This applies to repair or replacement that is needed because the modification/equipment was damaged in the hurricane.
- Repair or replacement of participant goods and services in excess of the waiver year limitations. This applies to repair or replacement that is needed because the modification/equipment was damaged in the hurricane.
- The \$135,000 waiver limit may be exceeded due to additional services, equipment, or modifications during the Hurricane.
- Beneficiaries who receive fewer than one service per month for a period of 90 days will not be subject to discharge.
- Annual reassessments of level of care initiated between September 4, 2019 and December 3, 2019 may be postponed by 90 calendar days to allow sufficient time to complete the annual reassessment and accompanying paperwork.
- Service plans that are expiring and currently meeting an affected waiver participant's needs, but a new person-centered plan is unable to be developed due to ongoing hurricane recovery efforts, the time limit to approve the plan by the last day of the birth month may be extended by three months after the birth month, when monthly telephonic monitoring is provided to ensure the plan continues to meet the participant's needs. Additional time may be awarded case-by-case when conditions from the hurricane continue to impede this activity.
- Payment for direct care services for purposes of supporting 1915(c) enrollees in acute care hospital or short-term institutional stay, and waiving time limits on institutional respite, which is currently limited to a 30-day stay.
- Include retainer payments to direct care workers when a 1915(c) enrollee is hospitalized or absent from their home for a period of no more than 90 days.

- Waive the monthly face-to-face care coordinator and beneficiary meeting for individuals receiving residential supports, new to waiver, or relative as provider. Waive the quarterly face-to-face care coordinator and beneficiary meeting case-by-case.

Under State authority, NC Medicaid can allow Innovations waiver services to be provided out-of-state without prior approval by the LME-MCO. Respite may also be provided out-of-state for individuals who have been displaced.

Providers must resume compliance with normal NC Medicaid rules and regulations as soon as they are able.

NC Medicaid asks that LME-MCOs use the attached spreadsheet to track situations by waiver beneficiary to allow NC Medicaid to report to CMS on the outcome of the waivers. Please send to deborah.goda@dhhs.nc.gov by September 19, 2019. If you have any questions, please contact Deb Goda by email or at 919-527-7640.

Attachment: Waiver Flexibility Reporting Spreadsheet

Previous bulletins can be accessed at <http://www.ncdhhs.gov/divisions/mhddsas/joint-communication-bulletins>

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