



**North Carolina Department of Health and Human Services
Division of Aging and Adult Services**

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Beverly Eaves Perdue, Governor
Lanier M. Cansler, Secretary

Dennis W. Streets, Director

January 17, 2012

DEAR COUNTY DIRECTOR OF SOCIAL SERVICES:

Alamance	Clay	Henderson	Rockingham
Anson	Columbus	Iredell	Rowan
Bertie	Craven	Johnston	Rutherford
Bladen	Cumberland	Lenoir	Surry
Buncombe	Davie	Lincoln	Transylvania
Burke	Duplin	Macon	Vance
Cabarrus	Durham	Madison	Wake
Caldwell	Edgecombe	Martin	Warren
Caswell	Franklin	Mecklenburg	Wayne
Catawba	Forsyth	Nash	Wilkes
Camden	Gaston	Pasquotank	Wilson
Cherokee	Granville	Pitt	
Cleveland	Guilford	Robeson	

**ATTENTION: Special Assistance Supervisors
Adult Services Supervisors**

SUBJECT: Unlicensed Facilities with Special Assistance (SA) Residents

The Division of Aging and Adult Services (DAAS) has verified the final list of adult care and supervised living facilities which have not renewed their licenses for 2012. You are receiving this letter because there are either facilities in your county that are on this list or DAAS has identified SA recipients living in these unlicensed facilities and they are receiving SA from your county. License renewals by State law, must be postmarked no later than December 31 of the prior year to obtain a license renewal effective January 1 of the following year. DAAS has notified all adult care homes, family care homes, and 27G.5600.A and 5600.C supervised living mental health facilities where license renewal applications were not postmarked by December 31, 2011 that they may not accept Special Assistance (SA) funds unless they are duly licensed per North Carolina Statute 108A-41 and NC Administrative Code 10 NCAC 71P. 0202.

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The facilities have been notified via the letters found in Attachment 2-A and 2-B to this letter, that they will be contacted by the county department of social services where the SA case originates, and that they will be required to repay SA funds at a daily rate beginning January 1, 2012 until the facility is licensed or the resident receiving SA vacates the unlicensed facility. The facilities were also informed that SA for their residents will be terminated. DAAS has also notified the Division of Medical Assistance about this communication.

We are requesting county SA income maintenance caseworkers take the following actions immediately:

1. Check the EIS Facility Inquiry Screen to verify 2012 licensure status and facility code. If the county cannot find the facility in EIS, this verifies that the facility does not have a current license. If facilities submit license renewals or applications for a new license after the December 31 deadline, the new license effective date will be after January 1. Generally this creates a new EIS facility inquiry screen and a new facility code.
2. Contact the facility to inform them that they must repay SA funds for the days for which they were not licensed. Calculate the per diem payment based upon the individual case payment minus the personal needs allowance and divide by the number of days in the month.

Example: The facility did not submit license renewal by December 31, 2011. The new license was effective January 20. The resident receives an SA payment of \$350 per month. Subtract the \$46 personal needs allowance from the SA payment. Divide the balance by 31 days for January 2012. The January 2012 per diem is \$9.81 per day. The facility owes the State/County a total of 19 days at the per diem of \$9.81 for the SA payment or \$186.39. The county will notify the facility of the repayment amount. The county will then reimburse the State its portion of the SA payment via form DSS-8201.

If the facility has not renewed its license, count the per diem until the SA case is terminated or the SA resident moves to a licensed facility.

NOTE: The Division of Health Service Regulation may issue a temporary license for six months or less. If the license will expire prior to December 31, 2012, flag the case for one month prior to the license expiration date and take appropriate action.

3. Special Assistance recipients residing in facilities remaining unlicensed and their representatives must be sent a manual timely notice of termination no later than February 15, 2012 with an effective date of February 29, 2012. The reason is: **“You are no longer residing in a licensed SA approved facility.”** The SA policy reference is: SA-3100 III. which states: **“In order to receive SA an applicant or recipient must reside in a licensed facility authorized to receive SA payments, except for temporary absence not expected to exceed 30 days.”**

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When the SA termination notice is sent, it is important for the County DSS to offer assistance to the recipient and/or his/her representative to find suitable placement in a duly licensed SA approved facility. The income maintenance case worker must also assess the recipient for continuing Medicaid eligibility prior to termination of the SA case.

Enclosed with this letter, please find a total of two attachments:

- Attachment 1: CASE LIST
 - EIS IDs of clients residing in facilities which have not renewed their licenses, county name where case originates and facility name and address.
 - The facilities on this list have received the letter in Attachment 2
- Attachment 2: LETTERS TO UNLICENSED FACILITIES
 - Attachment 2-A: adult care homes/family care homes
 - Attachment 2-B: supervised living/mental health facilities.

If you have questions or need assistance please contact the SA Unit staff through the SA listserv at specialassistance@dhhs.nc.gov.

Sincerely,



Dennis W. Streets, Director

DWS/cu

AFS-02-2012

cc: Division of Health Service Regulation, Adult Care Licensure Section and Mental Health Licensure Section; Division of Medical Assistance

Attachments