

**Disabled and Elderly Health Programs Group**

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January 15, 2021

Thomas Phillip, Director  
Department of Health and Human Services  
1801 Main Street  
Columbia, SC 29201

Dear Mr. Phillip:

I am writing to inform you that the Centers for Medicare & Medicaid Services (CMS) has reviewed your state's Electronic Visit Verification (EVV) Compliance Survey submission and determined, based on the information you provided, that South Carolina does not meet the requirements specified in section 1903(l) of the Social Security Act, as added by Section 12006(a) of the 21<sup>st</sup> Century Cures Act, for personal care services rendered in some or all applicable authorities available within your state. The non-compliant programs include the following:

- Section 1905(a)(24) state plan personal care benefit
- Section 1915(c) home and community based services waivers
  - Community Supports Waiver
  - Intellectually Disabled and Related Disabilities Waiver
  - Head and Spinal Cord Injury Waiver

The state reported to CMS that it is in the process of expanding its legacy EVV solution to meet all EVV requirements. The state anticipates achieving compliance by July 1, 2021.

Because your state has not demonstrated that it complies with all EVV requirements as specified by the statute, CMS must apply federal medical assistance percentage (FMAP) reductions to personal care service expenditures for the authorities and/or programs listed above, beginning in the first calendar quarter of 2021, consistent with the requirements of 1903(l)(1)(A) of the Act. For each quarter during which the state is not compliant, FMAP will be reduced by 0.5 percentage points for calendar quarters in 2021; by 0.75 percentage points for calendar quarters in 2022; and by 1 percentage point for calendar quarters in 2023 and each year thereafter.

It is important to note that FMAP reductions will only be applied to personal care service expenditures for non-compliant authorities. Based on the state's survey response, the following authorities are compliant and will not incur FMAP reductions:

- Section 1915(c) home and community based services waivers
  - Community Choices Waiver
  - HIV/AIDS Waiver
  - Mechanical Ventilator Dependent Waiver
  - Medically Complex Children Waiver
  - Palmetto Coordinated System of Care for Children Waiver

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Because FMAP reductions are assigned each quarter, you are encouraged to review your survey information on a quarterly basis and update your response when you achieve compliance in any or all authorities to ensure FMAP reductions are lifted in a timely manner. Should the state deliver personal care services in any additional Medicaid authorities other than listed above at a point in the future the state is also responsible for updating its compliance survey. I have included the state's current EVV Compliance Survey submission with this letter. If you need assistance, please feel free to contact the CMS EVV mailbox at [evv@cms.hhs.gov](mailto:evv@cms.hhs.gov).

Sincerely,

Alissa Mooney DeBoy, Director