



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**
Division of Health Benefits

ROY COOPER • Governor
MANDY COHEN, MD, MPH • Secretary
DAVE RICHARD • Deputy Secretary, NC Medicaid

March 17, 2020

Charles Friedrich
CMCS| Medicaid and CHIP Operations Group (MCOG)
Office of the Regional Administrator
Atlanta Federal Center
61 Forsyth Street, SW, Suite 4T20
Atlanta, Georgia 30303-8909

Dear Mr. Friedrich:

Thank you for your continued support and partnership as the State responds to the current COVID-19 crisis. The Department of Medical Assistance Services is actively engaged in social distancing in response to COVID-19, and we have identified limitations in our capacity to meet the timeliness requirements related to eligibility and enrollment and fair hearings. Additionally, a proportion of our eligibility and enrollment and fair hearings workforce have either become sick or are experiencing personal circumstances that prevent them from fulfilling their work obligations related to processing Medicaid and CHIP eligibility determinations. We also anticipate that individuals will become temporarily displaced in another state due to myriad reasons as a result of this national emergency.

Flexibilities Pursuant to the CMS Inventory of Medicaid and CHIP Flexibilities and Authorities in the Event of a Disaster

We write to request concurrence from the Center for Medicaid and Medicare Services (CMS) with the State's plan to temporarily apply the following Medicaid policies on a Statewide basis as we continue to respond to this COVID-19 emergency. Once authority is received, the State will determine if and when to apply these flexibilities. These flexibilities are all articulated in the CMS Inventory of Medicaid and CHIP Flexibilities and Authorities in the Event of a Disaster:¹

- Eligibility requirements:
 - Consider Medicaid beneficiaries displaced from the State temporarily absent and maintain Medicaid enrollment in the State during that time (42 CFR § 435.403(j)(3))

¹ <https://www.medicaid.gov/state-resource-center/downloads/mac-learning-collaboratives/medicaid-chip-inventory.pdf>

NC MEDICAID
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LOCATION: 1985 Umstead Drive, Kirby Building, Raleigh NC 27603
MAILING ADDRESS: 2501 Mail Service Center, Raleigh NC 27699-2501
www.ncdhhs.gov • TEL: 919-855-4100 • FAX: 919-733-6608

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- Verification processes:
 - Delay application and renewal processing timeframes (42 CFR § 435.912(e)(2))
 - Delay acting on certain changes in circumstances affecting Medicaid eligibility (42 CFR § 435.912(e)(2))
 - Accept self-attestation for all eligibility criteria, excluding verification of citizenship and immigration status, on case-by-case basis when documentation is not available (42 CFR § 435.945(a); 42 CFR § 435.952(c)(3))
 - Allow for self-attestation of resources for individuals whose financial institutions are unable to provide verification of resources due to emergency (42 CFR § 435.945(a); 42 CFR § 435.952(c)(3))
 - Allow for self-attestation of incurred medical expenses (needed to meet spend-down for purposes of medically needy eligibility (42 CFR § 435.945(a); 42 CFR § 435.952(c)(3))
- Fair Hearings:
 - Suspend adverse actions for individuals in the State for whom the State has completed a determination but not yet sent notice (e.g., due to inability to deliver mail) or who state believes likely did not receive notice (e.g., due to displacement) (See [CMS Disaster Relief Inventory](#))
 - Delay scheduling of fair hearings and issuing fair hearing decisions (42 CFR § 431.244(f)(4)(i)(B))
 - Reinstate services or eligibility if services or eligibility are discontinued because beneficiary's whereabouts were unknown due to displacement, after whereabouts become known (if beneficiary is still eligible) (42 CFR § 431.231(d))

In all of these cases, we will continue to furnish Medicaid to eligible beneficiaries until they are determined ineligible, consistent with our understanding of CMS requirements. Further, to satisfy the requirement that we document these exceptions, we are asking CMS to allow the State to apply a blanket documentation of our use of these exceptions from the start of our statewide emergency on March 13, 2020 through the end of the state emergency, in lieu of documentation in specific case records. This additional easement is essential to us in light of our diminished eligibility workforce due to the public health crisis.

Your approval is requested. If you have any questions, you may contact me or Betty J. Staton at 919-527-7093.

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Sincerely,

DocuSigned by:
Dave Richard
11395D232A054A2...

Dave Richard

Attachments

Cc:

Anne Marie Costello, CMCS
Sarah Delone, CMCS
Amy Lutsky, CMCS
Katie Holt, CMCS
Michelle Baldi, CMCS
Jackie Glaze, CMCS
Melanie Bush, NC Medicaid
Betty J. Staton, NC Medicaid

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