



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

ROY COOPER • Governor

KODY H. KINSLEY • Secretary

JAY LUDLAM • Deputy Secretary, NC Medicaid

Date: November 13, 2023

Dear County Department of Social Services Directors:

RE: PHONE ACCESS REQUIREMENTS

As part of the ongoing Continuous Coverage Unwinding (CCU) efforts as well as the *Franklin v. Kinsley* settlement agreement, it is critical that beneficiaries have access to contact the DSS by phone. Access to DSS also includes the individual having the ability to leave a voicemail message as well as the right to have that message returned within 5 workdays. In administrative letters issued on March 1 and March 28, DHHS informed counties of the phone access requirements in the *Franklin v. Kinsley* settlement agreement. The March 28 letter concluded by stating the following: *"These requirements apply to all 100 counties and do not vary by the size of the county or its staffing or technological capabilities. All 100 counties are expected to comply with the requirements to allow reasonable phone access. Those counties whose phone system cannot meet the requirements outlined above as soon as possible, must have an interim workaround process and corrective action plan developed in conjunction with DHB no later than May 1."*

One of the requirements in the March letters and in the *Franklin v. Kinsley* settlement agreement is "providing the ability to leave a message after work hours and on weekends."

During July, August, and September, customer experience research calls were conducted to determine if Medicaid beneficiaries were able to contact the DSS by phone and leave a message outside of business hours. This research was conducted by two separate teams, one on behalf of DHB and the other was conducted by the Charlotte Center for Legal Advocacy (CCLA). As a result of these research calls, it was determined that 20 counties do not have the capability for Medicaid beneficiaries to leave a voicemail after work hours or on weekends. Some counties do have the capability to leave a voicemail, but only if an individual knows their caseworker's extension. However, given that many beneficiaries may not know their caseworker's extension or be able to search for it if they do not know their caseworker's first and last name, **this is not sufficient**.

As a temporary process, those counties who currently do not have after hours voice mail capability, must take action to do one of the following:

1. Update the outgoing phone message: the County DSS telephone system's pre-recorded message must include messaging **and** the ability for Medicaid beneficiaries to leave a voicemail. The recording should be in both English and Spanish. The

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message should state that the beneficiary will be contacted within 5 business days,
or

2. Local DSS agencies, whose phone systems do not have functionality that allows the caller to leave a voicemail during or after office hours on the mainline number, the DSS telephone system's pre-recorded message (English and Spanish) must include information for how Medicaid beneficiaries can contact the DSS office via email with the designated DSS Medicaid email address.

Note: All outgoing phone messages must be recorded and available in both English and Spanish.

Those DSS agencies who do not have the capability to leave a voice mail after hours **must** report within 10 days of the date of this letter, to their Medicaid OST which of the **temporary work** around options implemented above.

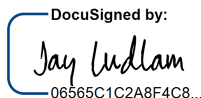
Failure to comply and ensure the above requirements are met by the proposed deadline will result in non-compliance and as such a corrective action will be imposed. DHB will contact the 20 counties via email.

Federal regulations at 42 CFR 435.907 and 42 CFR 435.916 outline the multiple modalities that must be made available for an individual to have access and be able to submit an application and/or seek assistance with completing the renewal or report changes through multiple modalities. As such, DHB is issuing guidance that those DSS agencies whose phone system does not meet the requirements of federal law as outlined in the DHB Administrative Letters above, must be in compliance and have the necessary phone system upgrades no later than July 1, 2024. DHB is advising the local DSS agency that Medicaid expansion funds may be used to make the necessary phone system upgrades to support the increased calls anticipated for new applications and to support beneficiary access to the local DSS via phone.

In addition, this is to remind ALL counties of the other *Franklin v. Kinsley* phone access requirements contained in the March letters. CCLA has received recent reports of phone access problems at several counties, including lack of Spanish speakers to take calls, excessive hold times with no opportunity to leave a message, full voicemail boxes, and call disconnections. Phone survey calling to determine the level of compliance or noncompliance continues to occur. We urge all counties to make sure that they are in compliance with all phone access requirements.

If you have any additional questions, please reach out to your Medicaid OST team.

Thank you for your continued partnership,

DocuSigned by:

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Jay Ludlam
Deputy Secretary, NC Medicaid