

# North Carolina Medicaid Special Bulletin

An Information Service of the  
Division of Medical Assistance

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**May 2016**

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**Attention:  
Personal Care Service (PCS) Providers**

## **State Plan Personal Care Services**

### **(PCS) Program Updates**

**Effective July 2016**

Providers are responsible for informing their billing *agency of information in this bulletin.*  
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## **Personal Care Services (PCS) Provider Regional Training Sessions**

PCS regional training sessions will be held May 3-17, 2016. Training topics and materials will be available to registered participants prior to the training dates. Providers can register through the [Liberty Healthcare NC Medicaid PCS Website](#). **There is no cost to attend the trainings, but registration is required**

Providers with questions may contact Liberty Healthcare at 1-855-740-1400 or N.C. Division of Medical Assistance (DMA) at 919-855-4360.

### **Event Dates and Locations:**

- **Tuesday, May 3, 2016 – Charlotte**  
Great Wolf Lodge Convention Center, *White Pine room*
  
- **Wednesday, May 4, 2016 – Greensboro/Winston-Salem**  
Greensboro-High Point Marriott Airport, *Grand Ballroom*
  
- **Thursday, May 5, 2016 – Greenville**  
Holiday Inn – Greenville (former City Hotel and Bistro), *Ballroom*
  
- **Tuesday, May 10, 2016 – Raleigh**  
Jane S McKimmon Conference and Training Center – NC State University
  
- **Wednesday, May 11, 2016 – Fayetteville**  
Doubletree by Hilton Fayetteville, *Grand Ballroom*
  
- **Tuesday, May 17, 2016 – Asheville**  
Doubletree by Hilton – Biltmore, *Burghley Room*

## **Personal Care Services (PCS) Clinical Coverage Policy 3L**

Clinical Coverage Policy 3L, *Personal Care Services*, will be amended to include an additional program requirement agreed upon in the settlement of Federal class action lawsuit *Pettigrew v. Brajer*. *The amendments also will provide clarification to other policy areas. Amendments to the policy are effective July 1, 2016.*

A draft version of the policy will be available for public comment in May. Stakeholders are encouraged to review and comment on the draft policy, which will be available on the [DMA Proposed Medicaid and Health Choice Policies page](#).

Those with questions regarding the PCS policy, can contact DMA Clinical Policy PCS Section at 919-855-4360 or send an email to [PCS\\_program\\_questions@dhhs.nc.gov](mailto:PCS_program_questions@dhhs.nc.gov)

## **Program Updates related to *Pettigrew v. Brajer***

DMA conducted a webinar on Jan. 6, 2016 to provide stakeholders with program updates that will be implemented as a result of the settlement of the *Pettigrew v. Brajer (Pashby v. Wos)* class action lawsuit originally filed in 2011.

On Friday April 1, 2016, a Fairness Hearing was held where the judge signed off on the settlement agreement between DMA and plaintiffs. To view the webinar and review all actions identified in the settlement, visit the [Liberty Healthcare of North Carolina website](#).

## **PCS Eligibility Criteria**

The settlement requires DMA to assure that the PCS eligibility criteria used to authorize, reauthorize, or determine the number of PCS hours for Medicaid beneficiaries is the same regardless of residential setting. DMA will assure that the need for assistance with the eating Activities of Daily Living (ADL) is assessed in a comparable manner. Each PCS applicant or beneficiary will be assessed for each ADL task and Instrumental Activities of Daily Living (IADL) task, if applicable, that comprise the eating ADL.

Currently, beneficiaries residing in Adult Care Homes are scored as having an unmet need for clean-up and meal preparation tasks within the eating ADL. In Adult Care Homes clean-up and basic meal preparation tasks are covered services paid for by State/County Special Assistance. **Effective July 1, 2016**, clean-up and basic meal preparation services that duplicate State/County Special Assistance (*Section M* –Eating and Meal Preparation tasks 6-9 on the PCS independent assessment tool) will be scored as needs met.

Questions relating to the PCS eligibility criteria may be addressed to [PCS\\_Program\\_Questions@dhhs.nc.gov](mailto:PCS_Program_Questions@dhhs.nc.gov).

## **Reconsideration Request for initial authorization for PCS**

**Effective July 1, 2016**, the PCS clinical coverage policy will be amended to include the Reconsideration Request for initial authorization for PCS. The Reconsideration process will allow beneficiaries over 21 years of age who were approved for less than 80 hours on their initial assessment to be reconsidered for additional hours if they do not agree with the initial level of service determined.

Beneficiaries seeking reconsideration must wait 30 calendar days from the date of their approval notice to submit the Reconsideration form and required supporting documentation to Liberty Healthcare of North Carolina. Reconsideration Requests must be received no earlier than 31 calendar days and no later than 60 calendar days from the date of the initial approval notification.

Requests submitted for hours in excess of the initial approval cannot be based on a Change of Status of the beneficiary's medical condition or a change in their caregiver availability or environmental condition that affects that beneficiary's ability to self-perform.

For more information on the Reconsideration Request process, review the DRAFT 3L Clinical Coverage policy which will be available in May for public comment on the [DMA Proposed Medicaid and Health Choice Policies page](#).

The Reconsideration Request form and Instructions will be made available to beneficiaries by July 1, 2016. At that point, it will be accessible on the DMA website at [https://nedma.s3.amazonaws.com/s3fs-public/documents/files/PCS\\_Reconsideration.pdf](https://nedma.s3.amazonaws.com/s3fs-public/documents/files/PCS_Reconsideration.pdf) as well as on the Liberty Healthcare website at [www.nc-pcs.com](http://www.nc-pcs.com).

### **Reinstatement and Reassessment of qualifying individuals**

Upon full implementation of actions identified in the *Pettigrew v. Brajer* settlement, DMA will identify, reinstate at the same number of hours prior to termination, and reassess agreed upon individuals for whom PCS was denied or terminated under Clinical Policy 3L *prior* to the policy amendment effective July 1, 2016. Exceptions are if the individual currently is ineligible for Medicaid, or is receiving nursing home or home and community-based waiver services.

DMA will reinstate or reassess all persons:

- 1) who DMA determined to be ineligible for PCS for whom no third person was present during the PCS assessment or reassessment if there is any indication that the beneficiary had a cognitive impairment or a mental health diagnosis; and,
- 2) denied or terminated from PCS because of the receipt of hospice services.

Beneficiaries who are eligible for reinstatement or reassessment will be notified by Liberty Healthcare of North Carolina via mail with instructions on how to begin the process. Beneficiaries who were previously terminated from PCS will be reinstated at the hours prior to termination but will receive a reassessment within six months under the PCS clinical coverage policy effective July 1, 2016. Beneficiaries who were previously denied PCS will be reassessed under the PCS clinical coverage policy July 1, 2016.

Questions regarding the *Pettigrew v. Brajer* Settlement Agreement, the PCS clinical coverage policy, or provider regional trainings may be directed to:

- DMA PCS unit by email at [PCS\\_Program\\_Questions@dhhs.nc.gov](mailto:PCS_Program_Questions@dhhs.nc.gov).
- DMA PCS unit by phone at 919-855-4360
- Liberty Healthcare of North Carolina by email at [nc-IAsupport@libertyhealth.com](mailto:nc-IAsupport@libertyhealth.com)
- Liberty Healthcare of North Carolina by phone at 1-855-740-1400

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