

STATE OF NORTH CAROLINA
DEPARTMENT OF HEALTH AND HUMAN SERVICES

ROY COOPER
GOVERNOR

KODY H. KINSLEY
SECRETARY

December 12, 2024

Suzette Seng, Director
Division of Enrollment Policy & Operations
Children and Adults Health Programs Group
Centers for Medicaid and CHIP Services

Dear Director Seng:

Thank you for your continued support and partnership as North Carolina responds to the unprecedented destruction caused by Hurricane Helene in the western part of our state. The North Carolina Department of Health and Human Services (NC DHHS) and local County Departments of Social Services are working under very difficult conditions to ensure individuals in need of Medicaid coverage receive application and renewal assistance and have their applications and renewals processed as quickly as possible. Staffing resources are further compromised as some staff in affected areas face the same loss of access to their homes and basic necessities as the community members they seek to serve. Refocusing our efforts on meeting immediate and critical needs has strained already limited staffing resources.

We write to request concurrence from the Center for Medicaid & Medicare Services (CMS) with North Carolina's plan to temporarily apply the following Medicaid policy and operational flexibilities as we continue to respond to the devastation caused by Hurricane Helene. We request these flexibilities for beneficiaries from counties impacted by the disaster, as designated by the Federal Emergency Management Agency's disaster declaration. 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 North Carolina temporarily absent from the State and maintain Medicaid enrollment in North Carolina (42 CFR 435.403(j)(3))
- Verification processes:
 - Extend application processing times (42 CFR 435.912(e)(2))
 - Delay renewal processing for individuals in affected area (42 CFR 431.211; 42 CFR 435.912(e)(2); 42 CFR 435.930)
 - Temporarily 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 disaster (42 CFR 435.945(a); 42 CFR 435.952(c)(3))

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

- 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))
- Notifications:
 - Hold member mailings, including Medicaid managed care Member Welcome Packets and Medicaid managed care identification cards, for 25 disaster counties, plus Graham, and Swain counties and the Eastern Band of Cherokee Indians (EBCI) sovereignty for 30 days due to United States Postal Service suspension of services.


Flexibilities related to fair hearings are articulated in a separate concurrence email.

Additionally, North Carolina is requesting that CMS waive the requirement that we document each exception in an individual's case record and allow the State to apply a blanket documentation of our use of these exceptions from the start of the public health emergency for Hurricane Helene on September 25, 2024 until the public health emergency has ended. This additional easement, granted during the COVID-19 public health emergency, provided critical relief under similar constraints of a compromised eligibility workforce due to the disaster. We hope that CMS will again grant this relief.

We request your concurrence with our intent to rely upon the available flexibilities, in the manner we describe above and your approval for our additional request to apply blanket documentation to those flexibilities at your earliest convenience. We also are seeking confirmation that the State will not be vulnerable to future disallowances as a result of our decision to pursue these available flexibilities.

Thank you again for your ongoing support as we seek to maintain access to critical health care services by eliminating administrative hurdles for consumers and administrative burden for Medicaid eligibility staff. Please let us know if there is anything further we can supply to assist with your review of this request.

Sincerely,

DocuSigned by:

Jay Ludlam
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Deputy Secretary for North Carolina Medicaid

Cc:

Anne Marie Costello, Deputy Director, CMCS

Sarah Delone, Director, Children and Adults Health Program Group, CMCS