

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
601 E. 12th St., Room 355
Kansas City, Missouri 64106



Medicaid and CHIP Operations Group

June 28, 2023

Jay Ludlam, Deputy Secretary
Division of Health Benefits
North Carolina Department of Health and Human Services
1985 Umstead Drive, Kirby Building
Raleigh, NC 27699-2501

RE: 1915(c) Community Alternatives Program for Children (CAP/C) Waiver - NC.4141.R07.01

Dear Director Ludlam:

The Centers for Medicare & Medicaid Services (CMS) is approving your request to amend North Carolina's Community Alternatives Program for Children (CAP/C) Home and Community-Based Services (HCBS) waiver, for individuals between the ages of 0-20 who are medically fragile and require Hospital or Nursing Facility Level of Care (LOC). The CMS Control Number for the amendment is NC.4141.R07.01. Please use this number in future correspondence relevant to this waiver action.

With this amendment, the state is clarifying the Coordinated Caregiving service provider qualifications, adding language for paid live-in caregiver hours for In-home services, updating respite be added to the service plan quarterly when the legally responsible person is the approved paid caregiver. Also adding beneficiaries can temporarily be authorized to receive Pediatric Nurse Aide (PNA) services for support and assistance with Instrumental Activities of Daily Living (IADL) and monitoring of Activities of Daily Living (ADL) with written documentation and approval. The effective date of the amendment is March 1, 2023.

This approval is subject to your agreement to serve no more individuals than the total number of unduplicated participants indicated in Appendix J.2 of the waiver. If the state wishes to serve more individuals or make any other alterations to this waiver, an amendment must be submitted for approval.

It is important to note that CMS' approval of this waiver amendment solely addresses the state's compliance with the applicable Medicaid authorities. CMS' approval does not address the state's independent and separate obligations under federal laws including, but not limited to, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, or the Supreme Court's Olmstead decision. Guidance from the Department of Justice concerning compliance with the

Americans with Disabilities Act and the Olmstead decision is available at http://www.ada.gov/olmstead/q&a_olmstead.htm.

CMS reminds the state that the state must have an approved spending plan in order to use the money realized from section 9817 of the American Rescue Plan (ARP). Approval of this action does not constitute approval of the state's spending plan.

Thank you for your cooperation during the review process. If you have any questions concerning this information, please contact me at (206) 615-3814. You may also contact Carshena Harvin at Carshena.Harvin@cms.hhs.gov or (206) 615-2400.

Sincerely,

**Wendy Hill
Petras**

Digitally signed by Wendy
Hill Petras
Date: 2023.06.28 08:58:26
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Wendy Hill Petras, Acting Director
Division of HCBS Operations and Oversight

Enclosure

cc: Betty Staton, NC DHHS
Cecilia Williams, NC DHHS
Emma Sandoe, NC DHHS
Dianne Kayala, CMS
Donald Graves, CMS
Morlan Lannaman, CMS
Sarah Abbott, CMS