



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

ROY COOPER • Governor

KODY H. KINSLEY • Secretary

JAY LUDLAM • Deputy Secretary, NC Medicaid

March 1, 2023

**RE: Recertification Process and Report of Changes in Circumstances by Telephone**

Dear County Director of Social Services:

The purpose of this letter is to inform county directors of social services of a requirement that must be reviewed and implemented as a result of the Franklin v. Kinsley (formerly known as Hawkins v. Cohen) court order, no later than April 1, 2023. The local department of social services are required to provide all Medicaid beneficiaries *reasonable access* to communicate by telephone during recertification process or to report changes in circumstance at any time. This is including but not limited to: *avoiding busy signals by rolling over calls to another staff member or to an option to leave a message, providing the ability to leave a message after work hours and on weekends, limiting hold times to a reasonable length of time, permitting beneficiaries leave a detailed message instead of remaining on hold, avoiding hang ups and messages that no one can take the call with no option to leave a detailed message, and returning phone messages within a reasonable time.*

During business hours, the department of social services are required to monitor phone calls that are placed on hold and limit calls placed on hold to a reasonable length of time. It is **required** to provide the option for the beneficiaries to leave a detailed message instead of remaining on hold. This will avoid hang ups when no one is available to take the call without an option to leave a detailed message.

The department of social services must provide detailed instructions on their voicemail. This includes office hours, office closure dates and time, and further instructions to the beneficiaries in case of an emergency. Also, provide the reasonable expectation of time for the beneficiaries to expect a return phone call from the agency.

The failure of any county department of social services to implement the above-referenced improvements to its individual systems may be considered to be a violation of the Franklin v. Kinsley (formerly known as Hawkins v. Cohen) court order, which may subject DHHS to sanctions. DHHS will be auditing the counties to ensure compliance. Additionally, the counsel for the class plaintiffs have informed DHHS that they will be monitoring the counties for compliance with the above-referenced improvements.

**NC MEDICAID**

**NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF HEALTH BENEFITS**

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If you have any questions regarding this information, please contact Eva Fulcher, Deputy Director of Member Operation at [eva.fulcher@dhhs.nc.gov](mailto:eva.fulcher@dhhs.nc.gov).

Sincerely,

DocuSigned by:

*Jay Ludlam*

Jay Ludlam

Deputy Secretary, NC Medicaid