

STATE OF NORTH CAROLINA
DEPARTMENT OF HEALTH AND HUMAN SERVICES

ROY COOPER
GOVERNOR

KODY H. KINSLEY
SECRETARY

December 10, 2024

Courtney Miller, Director
Medicaid and CHIP Operations Group
Center for Medicaid & CHIP Services
Centers for Medicare & Medicaid Services
7500 Security Boulevard
Baltimore, Maryland 21244

SUBJECT: Request For Disaster Relief State Plan Amendment Related To North Carolina's Disaster Declaration

Dear Director Miller:

North Carolina Governor Roy Cooper issued [Executive Order 315](#) on September 25, 2024, which declared a state of emergency for North Carolina in anticipation of severe weather caused by Hurricane Helene. On September 28, 2024, the President of the United States [approved](#) North Carolina's disaster declaration.

Please find attached for your review the Medicaid Disaster Relief SPA, 24-0038. The State Medicaid agency (agency) seeks to implement the policies and procedures described in the amendment, which are different than the policies and procedures otherwise applied under the Medicaid state plan, during the period of the Presidential and Secretarial emergency declarations related to Hurricane Helene.

Additionally, a state may request a Section 1135 state plan amendment process waiver if the President has declared a major disaster or an emergency under the Stafford Act, or an emergency under the National Emergencies Act, and the Secretary of the Department of Health and Human Services has declared a public health emergency. The agency seeks the following under section 1135(b)(5) of the Social Security Act:

Tribal Consultation: Pursuant to section 1135 (b)(5) of the Act, allows modification of the required Tribal consultation timelines specified in the Medicaid state plan per section 1902(a)(73) of the Act.

The state requests to temporarily modify the Tribal consultation timeline to allow for the completion of the Tribal Consultation after the submission of the Disaster Relief SPA.


Justification: Given the urgency of this request to modify our policies and procedures to respond to Hurricane Helene, NC proposes to modify its Tribal consultation timeline, allowing the agency to receive feedback from its Tribal partners while submitting the Disaster Relief SPA in a timely manner.

State Plan Amendment Effective Date: Pursuant to section 1135 (b)(5) of the Act, allows modification of the requirements in 42 CFR § 430.20 that a SPA must be submitted by the last day of a quarter in order to take effect that quarter. The state requests to temporarily modify these requirements to allow for the SPA to take effect in the quarter prior to when it was submitted.

Justification: North Carolina's public health emergency related to Hurricane Helene was declared on 9/28/24, with a retroactive start date of 9/25/24. The agency requests for the policies and procedures in the Disaster Relief SPA to be retroactive back to the start of the public health emergency; however, it was not feasible for the agency to submit the Disaster Relief SPA before the end of the quarter (9/30/24).

Your approval of the state plan amendment and associated Section 1135 amendment process waivers is requested. If you have any questions or concerns, please contact me or Ashley Blango at 919-812-6145.

Sincerely,

DocuSigned by:

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Jay Ludlam
Deputy Secretary for North Carolina Medicaid