



April 8, 2020

## MEMORANDUM

**TO:** Nursing Homes

**FROM:** Gwen C. Thompson, Director of Healthcare Quality

**SUBJECT:** DHEC Guidance to South Carolina Licensed Nursing Homes Regarding Section 1135 Waiver Requests Submitted by SCDHHS and Approved by CMS

On March 13, 2020, Governor Henry McMaster issued Executive Order No. 2020-08, which declared a State of Emergency in South Carolina based on the determination that the 2019 novel coronavirus (“COVID-19”) was an imminent public health threat. Subsequently, on March 17, 2020, Governor McMaster issued Executive Order No. 2020-10, which directed state agencies to take appropriate actions regarding provisions of existing regulations that in any way prevent, hinder, or delay necessary action in coping with the emergency. On March 28, 2020, Governor McMaster issued Executive Order No. 2020-15, which further extended the State of Emergency.

The Department of Health and Environmental Control (DHEC) continues to respond to the COVID-19 State of Emergency in South Carolina. On March 27, 2020, the South Carolina Department of Health and Human Services (“SCDHHS”) submitted a request to the Centers for Medicare & Medicaid Services (“CMS”) requesting waivers or modifications to several federal Medicare and Medicaid requirements, pursuant to Section 1135 of the Social Security Act (the “1135 Waivers”), to address the challenges posed by COVID-19. CMS issued an [approval letter](#) to SCDHHS on March 31, 2020. In concurrence with SCDHHS and in accordance with the Governor’s Orders, DHEC recognizes the 1135 Waivers described in CMS’s approval letter.

DHEC will not pursue enforcement against DHEC-licensed facilities acting in compliance with the 1135 waivers. Please continue to review relevant DHEC and SCDHHS guidance regarding operations during the State of Emergency.

**This guidance expires upon expiration of the State of Emergency and is subject to modification or revocation at DHEC’s discretion.**