



April 8, 2020

## MEMORANDUM

**TO:** Nursing Homes

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

**SUBJECT:** DHEC Guidance Regarding the Medicaid Nursing Home Permit Program During the State of Emergency Related to COVID-19

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. In concurrence with the Governor’s Orders and the South Carolina Department of Health and Human Services (“SCDHHS”), DHEC issues the following guidance to DHEC-licensed Nursing Homes regarding the Medicaid Nursing Home Permit program described in Section 44- 7-80 et. seq. of the South Carolina Code of Laws and Regulation 61-95:

- Admissions to skilled nursing facilities (“SNFs”) subject to provisional Medicaid enrollment do not confer a permit or permit days onto the admitting facility, rather, the reimbursement is subject to a waiver of permit day standards and enforcement.
- Facilities in good standing with other state and federal programs, but provisionally enrolled in Medicaid without allocated Medicaid permit days, may receive Medicaid reimbursement for eligible individuals who are admitted to a SNF pursuant to a hospital discharge. Such facilities may not receive reimbursement for community admissions unless a hospital licensed and operating in the state certifies that such an admission to a SNF would avoid an inpatient admission.



- Facilities currently participating in the Medicaid program may exceed allocated permit days if admissions that trigger excess utilization are the result of hospital discharges or admissions certified by a hospital licensed and operating in South Carolina as necessary to avoid an inpatient admission.
- DHEC will not consider SNF admissions or utilization resulting from these flexibilities in the calculation of Medicaid permit day allocations for state fiscal years (SFY) 2020-21 or 2021-22.
- Individuals remaining in a provisionally enrolled facility after the end of the current federally declared public health emergency can remain in that facility and that facility may receive Medicaid reimbursement for those individuals until their beds are forfeited. Once the emergency ends, the provisionally enrolled facility is no longer eligible for new Medicaid admissions for any reason.
- Upon the conclusion of the federally declared public health emergency, facilities with allocated Medicaid permit days with a Medicaid beneficiary census in excess of their permitted allotment will not be required to transfer individuals to other facilities to reach their permitted census. Rather, these facilities should cease new Medicaid admissions to allow their census to gradually return to the permitted level.

DHEC issues this guidance in order to ensure that full flexibility exists during the emergency period without destabilizing the Medicaid Nursing Home Permit program upon termination of the declared COVID-19 State of Emergency.

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