



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

ROY COOPER • Governor

KODY H. KINSLEY • Secretary

JAY LUDLAM • Deputy Secretary, NC Medicaid

September 29, 2023

Brandon L. Wilson, Chairman
State Consumer and Family Advisory Committee
c/o Community Engagement and Empowerment Team
3001 Mail Service Center
Raleigh, NC 27699-3001

SENT VIA EMAIL

Dear Chairman Wilson:

Thank you for reaching out to share the concerns of the North Carolina State Consumer and Family Advisory Committee (SCFAC) regarding the soon expiring “Appendix K” flexibilities and the request for extending those flexibilities until February 2024. Your letter expressed concerns regarding Relatives as Provider/Relatives as Direct Support Employee’s providing care to minors, adults, and Employer of Records and the need to keep these flexibilities. NC Medicaid acknowledges your concerns, shares the important role that Direct Support Staff provide and appreciates parents who have taken on the responsibility of caring for their family members.

We have been in communication with the Centers for Medicare and Medicaid Services (CMS) which has provided guidance to States regarding possible extensions and the continuation of particular flexibilities if a State has not received Amendment approval by November 11, 2023.

For more context and to provide the SCFAC with greater insights into what actions NC Medicaid has already taken, in August 2023, NC Medicaid submitted an Innovation Waiver Amendment to CMS requesting certain Appendix K flexibilities be made permanent. At the time, NC Medicaid did not include the request for caregivers to continue providing 84 hours per week; our rationale at the time was not to make the 84 hour/week flexibility permanent due to concerns of caregiver burnout and isolation. Since the Amendment submission, NC Medicaid has received additional comments in support of extending Kinship Care.

In support of the SCFAC, the request, and the requests of others, NC Medicaid has engaged CMS to understand whether they would be supportive of an increase of allowing Kinship Care to 84 hours/week and whether they would want us to explore particular “guardrails” to protect caregivers. We will continue those conversations with CMS next week, even during the Federal shutdown.

NC MEDICAID

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

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Thank you again for expressing concerns on behalf of the State Consumer and Family Advisory Committee. On October 6, 2023, we will provide a written update regarding our conversations with CMS about extending the flexibility you are seeking.

Sincerely,

A handwritten signature in black ink, appearing to read "Jay Ludlam". The signature is fluid and cursive, with the first name "Jay" being more prominent.

Jay Ludlam

cc: Kelly Crosbie, Director, DMH