

## **SOUTH CAROLINA COMMISSION ON DISABILITIES AND SPECIAL NEEDS**

### **MINUTES**

March 17, 2022

The South Carolina Commission on Disabilities and Special Needs met on Thursday, March 17, 2022, at 10:00 a.m., at the Department of Disabilities and Special Needs Central Office, 3440 Harden Street Extension, Columbia, South Carolina.

The following were in attendance:

#### COMMISSION

##### Present In-Person

Stephanie Rawlinson – Chairman  
Barry Malphrus – Vice Chairman  
Robin Blackwood – Secretary  
Gary Kocher, MD  
Eddie Miller  
David Thomas

##### Microsoft Teams

Michelle Woodhead

#### DDSN Administrative Staff

Michelle Fry, State Director; Constance Holloway, General Counsel; Lori Manos, Interim Associate State Director of Policy; Courtney Crosby, Internal Audit Director; Greg Meetze, Chief Information Officer; Tracey Hunt, Chief Financial Officer; Tommy Windsor, Public Information Officer and Legislative Liaison; Debra Punzirudu, Finance Director; Nancy Rumbaugh, Budget Director; Andrew Tharin, Director of Engineering; Candis Golston, Procurement Director; Robb McBurney, Emergency Operations and Special Projects; Melissa Ritter, Director of Head and Spinal Cord Injury Division, Preston Southern, Information Technology Division; and Colleen Honey, Administrative Coordinator.

#### Notice of Meeting Statement

Chairman Rawlinson called the meeting to order and Secretary Blackwood read a statement of announcement about the meeting that was distributed to the appropriate media, interested persons, and posted at the Central Office and on the website in accordance with the Freedom of Information Act.

#### Welcome

Chairman Rawlinson welcomed everyone to the meeting. She wished everyone a Happy St. Patrick's Day and Brain Injury Month.

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Adoption of the Agenda

Commissioner Blackwood made a motion to amend the agenda, specifically under item 14 on the agenda. The motion to amend included elaborating on the Executive Session under item 14c, Personnel Matter to include discussion of executive level positions and receipt of legal advice for a threatened legal claim concerning a personnel matter. The motion to amend and approve the agenda was seconded by Commissioner Thomas and unanimously approved by the commission. (Attachment A)

Invocation

Commissioner Miller gave the invocation.

**Approval of the Minutes from the February 17, 2022 Commission Meeting**

Commissioner Malphrus asked that we amend the Commissioners' Update to state that "the seat's reappointment" instead of "his reappointment". Commissioner Malphrus' motion to amend was seconded by Commission Thomas and unanimously approved by the February 17, 2022 commission meeting minutes were unanimously approved by the commission. (Attachment B)

**Commissioners' Update**

Chairman Rawlinson introduced the newest South Carolina Disabilities and Special Needs' Commission member, Michelle Woodhead from York, South Carolina. Commissioner Woodhead spoke on her family and her plight to become a member of the commission. Other members present welcomed Commission Woodhead to the commission.

Commissioner Malphrus thanked the photographer present for volunteering to take pictures of the Commission this month.

Commissioner Kocher noted that he attended SC Advocacy Day at the statehouse and got an opportunity to speak to a lot of people. He was happy to hear that our Fee-for-Service initiative is going smoothly.

Commissioner Thomas stated that he was glad to be at the meeting in-person this month and thankful to have put his COVID-19 illness behind him.

Commissioner Blackwood thanked all those involved with the SC Assistive Technology Virtual Conference, which will be posted on the University of South Carolina School of Medicine website. Also, she noted that she attended the Advocacy Day at the statehouse. She thanked Chairman Rawlinson for her

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remarks. March is national recognition for many disabilities. She highlighted Cerebral Palsy as this illness is recognized this month as well.

Chairman Rawlinson echoed the fact that she spoke at the Advocacy Day at the statehouse, and that she was honored to speak on behalf of the agency.

### **Public Input**

There was one public input by Mr. and Mrs. Region. Due to pending litigation against the agency, a second member of the public was asked to submit her input in writing so that the agency's attorney can read and approve for it to be a part of the commission minutes. (Attachment C)

### **Brain Injury Awareness Month**

Ms. Melissa Ritter spoke briefly about Brain Injury Awareness Month and the events the agency has been involved with so far, specifically a 'Baking for Brains' bake sale today with all proceeds going to the Brain Injury Association of South Carolina and an art exhibit by Emily Yarbrough Ruff who is an artist and brain injury survivor. The Brain Injury Association loaned the decorative masks outside in the hallway to commemorate this month. Commissioner Thomas asked if he could speak to Ms. Ritter about the Legislative Audit Report in regards to not reaching enough people that have brain and spinal injury.

Ms. Joyce Davis, Executive Director of the Brain Injury Association of South Carolina upcoming Tik Tok features on their website and the rocks that were painted by consumers who have been impacted by brain injury.

### **Commission Committee Business**

#### A. Finance and Audit Committee

The Finance and Audit Committee met on March 8, 2022. Commissioner Blackwood submitted the following:

A fixed price bid contract was solicited on 2/12/2022 for LPN/RN Support Services providing nursing assignment to the Regional Centers. The contract essentially qualifies vendors to perform the service at a fixed price. This is a routine solicitation and will only need approved by this committee. (Attachment D)

An item for approval is the Comprehensive Permanent Improvement Plan (CPIP) for Coastal Center campus-wide Fire Alarm Replacement. After review and consideration of the bid, Commission approval is needed to enter into a contract with Hiller Systems, in Summerville, SC for the amount of \$313,762; the agency projected cost was \$400,000.

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Commissioner Blackwood stated that the committee approved this CPIP project to move forward. Coming out of the committee as a motion and a second, the commission unanimously approved the contract with Hiller Systems for the Coastal Center camps-wide Fire Alarm Replacement system.

B. Policy Committee

Commissioner Malphrus presented the following items to the Commission:

413-08-DD: Anti-Harassment – The committee approved the addition of the sexual harassment form to be attached on the back of the current policy. Coming out of committee as a motion and a second, the commission unanimously approved the addition made to this policy. (Attachment E)

250-10-DD: Funding for Services – The committee voted to make this policy obsolete. Coming out of committee as a motion and a second, the commission unanimously approved making this policy obsolete. (Attachment F)

250-11-DD: Outlier Funding Request System – Capitated Funding System – The committee voted to make this policy obsolete. Coming out of committee as a motion and a second, the commission unanimously approved making this policy obsolete. (Attachment G)

738-01-DD: Discharge Planning for Individuals Leaving an Intermediate Care Facility for Individuals with Intellectual Disabilities (ICD/IID) and Enrolling in a Home and Community-Based Services (HCBS) Waiver Program – There is a minor change in the removal of a paragraph regarding band payments. This directive will be posted for public comment. Coming out of committee as a motion and a second, the commission unanimously approved to remove one paragraph. (Attachment H)

Chairman Rawlinson announced that she has appointed Commissioner Ed Miller to the Policy Committee and Commissioner Woodhead will be appointed to the Finance and Audit Committee.

Commissioner Malphrus noted that the Code of Conduct directive, 413-03-DD, was approved by the committee with four changes. There was detailed discussion in the committee meeting regarding the dollar limit on gifts between co-workers. This issue was tabled to allow staff time to research four or five other state agencies. A sentence was added to page 4 stating reporting should occur within 14 calendar days of the identification of the conflict. To expedite enacting this directive, the

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committee approved to seek the full commission's approval without the usual 10-day public comment period. Coming out of committee as a motion and a second, the commission unanimously approved the changes and look forward to seeing this policy in the future. (Attachment I)

### **Old Business**

#### A. Intellectual Disability/Related Disabilities (ID/RD) Waiver Renewal Update

Ms. Manos updated the commission on the ID/RD Renewal. The ID/RD Waiver Renewal was retroactively approved as of January 1, 2022. The agency will now begin working on the rollout of the new services added to the waiver: independent living skills services; remote support as a part of the assistive technology services; and the implementation of a tiered approach for respite for people who live in the same household. Appendix K document has been approved by Centers for Medicare and Medicaid Services (CMS). The due date for public comment in the renewal of the Community Supports (CS) Waiver is March 28, 2022.

#### B. Fee-for-Service (FFS) Update

Ms. Manos noted that the agency is continuing to make progress on the transition to FFS. March 1, 2022 was the go live date for FFS with a delay of one month (April 1, 2022) for direct billing for Medicaid, with a full reconciliation. Ms. Manos discussed leave days approved by the Department of Health and Human Services (DHHS). To date, we have only two (2) providers who have not completed their Medicaid application. We are still trying to get them onboard.

#### C. Internal Audit (IA) Update

Ms. Crosby announced that the 2021 Agreed-Upon Procedures (AUP) Reports for the DSN Boards are complete. Sixteen reviews have been completed from our Boards and 23 are in process. The AUP was received from all nine (9) private providers who had a June 30<sup>th</sup> year-end date. Two (2) of the three (3) AUP due on September 30<sup>th</sup> have been received from private providers. The 2021 contract reductions are \$27,200, which is trending upward.

IA has initiated follow-up procedures with seven (7) providers; the field work is complete for two (2) providers and it is underway for the five (5) additional providers. The tracking report will be updated and resubmitted to all commission members.

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### D. Legislative Update

Mr. Robb McBurney spoke about the confirmation of Commissioner Woodhead from the fifth district. He thanked all commission members who were able to attend the Advocacy Day at the statehouse. Four (4) regulations are being submitted this year by our agency. There was a subcommittee hearing on March 9, 2022 in the Senate. Three (3) of the regulations have been pulled back and reworked on in conjunction with Disabilities Right SC. One (1) regulation was a straight repeal of an entire article went to the Senate Medical Affairs Committee today. Dr. Fry made a presentation to the Senate Finance Subcommittee on yesterday. There are no movement or meetings with any pending bills we are watching for the agency.

### **New Business**

#### A. Organizational Restructuring of Pee Dee and Saleeby Centers

Ms. Hunt discussed restricting of these centers by separating them into two individual centers. The current Pee Dee/Saleeby construct of a singular Facility Administrator is not effective. Span of control (facilities are 45 miles apart) and lack of consistent/focused leadership at both locations (simultaneously) has hampered compliance with Governing Body and Client Protections conditions of participation as outlined in the State Operations Manual. The creation of a Saleeby Facility Administrator position and further separation of the operations of these two locations will improve on-site oversight of service delivery and fiscal management.

#### B. Financial Update

Ms. Hunt presented the spending plan vs actual expenditures as of February 28, 2022. To date the agency is .25% under budget. On a motion by Commissioner Thomas, seconded by Commissioner Blackwood, the spending plan was approved as presented. (Attachment J)

There was a point of comfort five (5) minute break.

### **Director's Update**

State Director Michelle Fry commenced by giving updates on pending solicitation for an Assessment Consultation and a Strategic Planning, which is now posted.

A survey was issued to all providers regarding the Electronic Visit Verification (EVV), which we will be soliciting an RFP for in the future.

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Dr. Fry spoke at the Human Services Provider Conference in Myrtle Beach at the beginning of the month.

Craig Byrd started as the new Facility Administrator at the Whitten Center this past Monday. We will soon be posting four (4) new Facility Administrator Assistants for our Regional Centers.

Pacifico "PJ" Perea will be joining our agency on Monday as the new Public Information Director. Our new Chief Administrative Officer, Dr. Pamela Harley Davis, will be joining the agency the following Monday. We welcome both of these new staff members.

The Executive Leadership Team Retreat will take place next Tuesday.

An Electronic Visit Verification (EVV) Ready Webinar will take place with our providers sometime in April to cover frequently asked questions. Ms. Manos was called upon to explain EVV.

DHHS has announced that they will be providing a half-band payment to providers.

Lastly, Dr. Fry is looking forward to traveling to Greenville for the "Drumming Up Awareness" event. DDSN Monthly Provider Meeting will take place on Monday.

### Executive Session

At 12:13 PM, on a motion by Commissioner Blackwood, seconded by Commissioner Kocher, the commission entered into executive session after a 10-minute break to discuss the following items:

#### Receive Legal Advice Regarding:

- MedPod Pilot Agreement
- Advancing of Loans
- Personnel Matters - discussion of executive level positions and receipt of legal advice for a threatened legal claim concerning a personnel matter

### Enter into Public Session

Upon rising out of executive session at 2:41 PM, Chairman Rawlinson announced that no decisions were made, no votes were taken and no motions were made. The commission received legal advice.

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Next Regular Meeting

April 21, 2022


Adjournment

On a motion by Commissioner Blackwood, seconded by Commissioner Thomas and unanimously approved by the commission, the meeting was adjourned at 2:41 P.M.

Submitted by:

  
Christie D. Linguard  
Administrative Coordinator

Approved by:

DocuSigned by:  
  
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Commissioner Robin Blackwood  
Secretary



**SOUTH CAROLINA COMMISSION ON DISABILITIES AND SPECIAL NEEDS**

**A G E N D A**

**South Carolina Department of Disabilities and Special Needs  
3440 Harden Street Extension  
Conference Room 251 (TEAMS)  
Columbia, South Carolina**

**March 17, 2022**

**10:00 A.M.**

1. Call to Order *Chairman Stephanie Rawlinson*
2. Notice of Meeting Statement *Commissioner Robin Blackwood*
3. Welcome
4. Adoption of Agenda
5. Invocation *Chairman Ed Miller*
6. Approval of the February 17, 2022 Commission Meeting Minutes
7. Commissioners' Update *Commissioners*
8. Public Input
9. Brain Injury Awareness Month *Ms. Melissa Ritter/ Ms. Joyce Davis*
10. Commission Committee Business
  - A. Finance Committee *Committee Chair Robin Blackwood*

Financial Approval & Threshold Report for March 2022
  - B. Policy Committee *Committee Chair Barry Malphrus*
    1. 413-08-DD: Anti-Harassment
    2. 250-10-DD: Funding for Services
    3. 250-11-DD: Outlier Funding Request System – Capitated Funding System
    4. 738-01-DD: Discharge Planning for Individuals Leaving an Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID) and Enrolling in an Home and Community-Based Services (HCBS) Waiver Program
    5. Committee Update
11. Old Business:
  - A. ID/RD Waiver Renewal Update *Ms. Lori Manos*
  - B. Fee-for-Service Update *Ms. Lori Manos*
  - C. Internal Audit Update *Ms. Courtney Crosby*
  - D. Legislative Update *Michelle Fry, J.D., Ph.D.*

12. New Business:
  - A. Organizational Restructuring of Pee Dee and Saleeby Centers *Ms. Tracey Hunt*
  - B. Financial Update *Ms. Tracey Hunt*
13. Director's Update *Michelle Fry, J.D., Ph.D.*
14. Executive Session
  - Receive Legal Advice Regarding:
    - a. MedPod Pilot Agreement
    - b. Advancing of Loans
    - c. Personnel Matters
15. Enter into Public Session
16. Next Regular Meeting (April 21, 2022)
17. Adjournment

**SOUTH CAROLINA COMMISSION ON DISABILITIES AND SPECIAL NEEDS**

**MINUTES**

February 17, 2022

The South Carolina Commission on Disabilities and Special Needs met on Thursday, February 17, 2022, at 10:00 a.m., at the Department of Disabilities and Special Needs Central Office, 3440 Harden Street Extension, Columbia, South Carolina.

The following were in attendance:

COMMISSION

Present In-Person

Stephanie Rawlinson – Chairman  
Barry Malphrus – Vice Chairman  
Robin Blackwood – Secretary  
Gary Kocher, MD  
Gary Lemel  
Eddie Miller

Microsoft Teams

David Thomas

DDSN Administrative Staff

Michelle Fry, State Director; Constance Holloway, General Counsel; Lori Manos, Interim Associate State Director of Policy; Courtney Crosby, Internal Audit Director; Greg Meetze, Chief Information Officer; Tracey Hunt, Chief Financial Officer; Tommy Windsor, Public Information Officer and Legislative Liaison; Debra Punzirudu, Finance Director; Nancy Rumbaugh, Budget Director; Andrew Tharin, Director of Engineering; Carolyn Benzon, Attorney II; Preston Southern, Information Technology Division; and Christie Linguard, Administrative Coordinator.

Notice of Meeting Statement

Chairman Rawlinson called the meeting to order and Secretary Blackwood read a statement of announcement about the meeting that was distributed to the appropriate media, interested persons, and posted at the Central Office and on the website in accordance with the Freedom of Information Act.

Welcome

Chairman Rawlinson welcomed everyone to the meeting. She introduced and welcomed Greg Meetze as the new Chief Information Officer (CIO) and Tracey Hunt as the new Chief Financial Officer (CFO) for the agency. Chairman

Rawlinson also welcomed back the agency's General Counsel, Constance Holloway.

### Adoption of the Agenda

Chairman Rawlinson commenced by stating that there are two changes to the agenda; the Legislative Committee Update will be given by Commissioner Miller and MedPod will be discussed in Executive Session under Contractual Matters. Commissioner Blackwood made a motion to adopt the February 17, 2022 agenda with the two changes, seconded by Commissioner Miller and unanimously approved by the commission. (Attachment A)

### Invocation

Commissioner Miller gave the invocation.

### **Approval of the Minutes from the January 20, 2022 Commission Meeting**

Commissioner Malphrus made a motion to approve the minutes from the January 20, 2022 Commission meeting, seconded by Commissioner Blackwood and unanimously approved by the commission. (Attachment B)

### **Moment of Silence**

Chairman Rawlinson spoke to the staff, consumers, family members and all others who have succumbed from the COVID-19 virus. There was a moment of silence and a prayer. (Attachment C)

### **Commissioners' Update**

Commissioner Lemel read a note expressing his thoughts regarding his reappointment to this commission. (Attachment D)

### **Public Input**

There was no public input.

### **Commission Committee Business**

#### A. Finance and Audit Committee

The Finance and Audit Committee did not meet in February; however, Commissioner Blackwood submitted one item for approval:

An Invitation for Bid (IFB) was published in the SC Business Opportunity (SCBO) on 12/20/21 for Janitorial Services. The agency is soliciting janitorial services for two locations, central office and Midlands Regional

Center. The lowest bid for Central Office was \$82,240.00 for one year contract with four year renewal; the lowest bid for Midlands Regional Center was \$200,120.00 for one year contract with four year renewal. The contracts will be issued to two separate vendors with the total potential target value referenced above for five years.

On a motion by Commissioner Blackwood, seconded by Commissioner Miller and unanimously approved by the full commission, the janitorial services for both central office and Midlands Regional Center were approved for five years. (Attachment E)

B. Policy Committee

The Policy Committee did not meet this month; however, Commissioner Malphrus does have two items up for approval by the Commission:

200-08-DD: Travel Regulations – This policy went out for public comment. There were no comments. Commissioner Malphrus made a motion to approve this policy, seconded by Commissioner Miller and unanimously approved by the Commission. (Attachment F)

800-07-DD: Attachment D – Policy Committee Procedures – This amendment includes only one sentence change under the Scope to say that human resources directives are exempt from review except those that are identified by the Policy Committee Chairman as necessary for the Commission’s review. Commissioner Malphrus made a motion to approve this directive with this one sentence changed, seconded by Commissioner Blackwood and unanimously approved by the Commission. (Attachment G)

Commissioner Malphrus noted that there will be a meeting of the Policy Committee in March. The date has yet to be determined.

**Old Business**

A. Intellectual Disability/Related Disabilities (ID/RD) Waiver Renewal Update

Ms. Manos updated the commission on the ID/RD Renewal. The questions submitted to the state from the Centers for Medicare and Medicaid Services (CMS) were answered and sent back to CMS. We are just waiting on approval. Part of the ID/RD Renewal has already been implemented, particularly related to the residential tiers. The Community Supports Waiver expires in July and the renewal is in the process.

B. Fee-for-Service (FFS) Update

Ms. Manos announced that the agency is continuing to make progress on the transition to full FFS with an implementation date of March 1, 2022. We have held a few provider enrollment trainings. We do still have a few providers who have not applied for Medicaid enrollment. Therap has completed and sent out self-paced trainings as well as provide a few Monday training webinars from February 14<sup>th</sup> to April 2<sup>nd</sup>. Staff continues to meet with the Department of Health and Human Services (DHHS) on a regular basis. Currently, there are 34 providers who are not enrolled in Medicaid. Ms. Manos is working with these providers to get them enrolled. Commissioner Lemel asked about the Therap Module and testing of it. Therap will submit test claims to MMIS, which has not happened yet. A Human Services Provider Conference will take place at the beginning of the month. Therap and DHHS along with DDSN staff will be at this conference to offer providers any assistance they may need; and of course, to answer all their questions.

C. Quarterly Incident Management Report

Ms. Dalton briefly spoke on the five year incident trend data for community-based services and regional centers as well as community residential settings, day service providers and regional centers through December 31, 2021. We have been asked by DHHS to report all waiver community-based services. (Attachment H)

D. Internal Audit (IA) Update

Ms. Crosby announced that the 2021 Agreed-Upon Procedures (AUP) Reports for the DSN Boards are complete. Eight are completed and 18 are in process, of which three are private providers and six are in process. The 2021 contract reductions are \$19,700, which is trending upward.

We are currently working on follow-up procedures with five providers.

E. Legislative Update

Commissioner Miller informed the commission that he and Mr. Tommy Windsor sat in on two legislative committee meetings this past Tuesday. Chairman Rawlinson noted that she spent the week before with Mr. Windsor attending legislative committee meetings. She also reminded everyone of the upcoming Advocacy Day on March 2, 2022. She also made mention of the Assistive Technology Day on March 1, 2022 as well as the Thrive Upstate event on March 18<sup>th</sup>. (Attachment I)

**New Business**

A. Financial Update

Ms. Rumbaugh presented the spending plan vs actual expenditures as of December 31, 2021. To date the agency is .14% under budget. Ms. Rumbaugh also provided the FY 2022-2023 Budget Request One-Page Summary as revised to include the Fee-for-Service appropriations transfer to DHHS.

Director's Update

State Director Michelle Fry commenced by giving updates on pending solicitations for a Fiscal Agent and Strategic Planning. Lastly, we have a request for qualifications out seeking an outside consultant with varied expertise to advise us regarding the implementation of an assessment related to level of need for those whom we serve.

On Tuesday, February 22, 2022 there will be a webinar for Providers for direct billing.

The agency has four openings for case managers to help provide assistance to providers.

On February 15, 2022, DHHS received notification from CMS that the 10% FMAP was approved.

Regarding the 6.2% FMAP, as of yesterday, \$2.1 million has been processed for execution to the providers.

Lastly, Dr. Fry thanked Commissioner Lemel for his service on the commission throughout the years.

Executive Session

At 11:20 AM, on a motion by Commissioner Blackwood, seconded by Commissioner Miller, the commission will enter into executive session after a 10 minute break to discuss the following items:

Contractual Matters

- Richland/Lexington Disabilities and Special Needs (DSN) Board
- Lutheran Services Carolinas

Litigation Update

Enter into Public Session

Upon rising out of executive session at 12:53 PM, Chairman Rawlinson announced that the commission meeting was back in session. Commissioner Lemel referenced the June 17, 2021 commission meeting minutes that discussed titrating down their expenses over the next six months and reviewing their plan. To date, no plan has been submitted; therefore, on a motion by Commissioner Lemel, seconded by Commissioner Malphrus and unanimously approved by the Commission, the Richland/Lexington DSN Board payment of the administrative program expense will be terminated after a thirty (30) day notice.

Commissioner Blackwood made a motion to release the freeze on Lutheran Service Carolinas, seconded by Commissioner Malphrus and unanimously approved by the Commission.

#### Executive Session #2

At 12:58 PM, Commissioner Kocher made a motion to re-enter into executive session to discuss a personnel issue, seconded by Commissioner Blackwood and unanimously approved by the commission.

#### Enter into Public Session

Upon rising out of executive session at 1:27 PM, Chairman Rawlinson noted that no decisions were made, and there were no motions made or votes taken.

#### Next Regular Meeting

March 17, 2022

#### Adjournment

On a motion by Commissioner Blackwood, seconded by Commissioner Miller and unanimously approved by the commission, the meeting was adjourned at 1:27 P.M.

Submitted by:

Approved by:

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Christie D. Linguard  
Administrative Coordinator

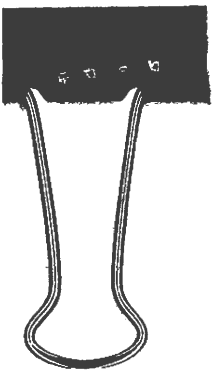
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Commissioner Robin Blackwood  
Secretary



This information was submitted by Patricia Harrison to include in the Commission meeting minutes. Please note that this information is from October 2004.

Attachment C



**CHAPTER**  
**2**

**SOUTH CAROLINA'S MENTAL RETARDATION/RELATED  
DISABILITIES (MR/RD) WAIVER DOCUMENT**

**EFFECTIVE OCTOBER 1, 2004-SEPTEMBER 30, 2009**

APPENDIX G – 2

Factor D

LOC: ICF/MR

Demonstration of Factor D estimates: Waiver Year 1

Waiver Service Column A	# Undup. Recip Column B	Avg. # Units/User Column C	Avg. Unit Cost/Basis Column D	Total Column E
PT	52	22	\$40.00/Hour	\$45,760
OT	52	22	40.00/Hour	45,760
Speech	52	33	40.00/Hour	68,640
Psychological services	26	33	66.00/Hour	56,628
Audiology	52	11	40.00/Hour	22,880
Behavior Supports	52	33	60.00/Hour	102,960
Special Equip./Supplies	1,248	N/A	2,500.00/Per Item	3,120,000
Day Hab.	1,872	198	42.00/Day	15,567,552
Prevocational Hab.	2,080	198	42.00/Day	17,297,280
Supported Employment	312	88	20.43/Hour	560,926
Residential Hab.-Daily	2,704	319	150.00/Day	129,386,400
Residential Hab.-Hourly	52	176	16.50/Hour	151,008
Adult Day Health	26	198	38.00/Day	195,624
Personal Care 1	52	440	10.05/Hour	229,944
Personal Care 2	520	550	12.80/Hour	3,660,800
Prescription Drugs	2,288	22	36.75/Per Item	1,849,848
Environmental Mods.	78	N/A	7,500.00/Per Item	585,000
Respite Non-Inst. Day	572	27.5	50.00/Day	786,500
Respite Non-Inst. Hour	208	330	6.25/Hour	429,000
Respite Inst. ICF/MR	26	22	148.23/Day	84,788
Adult Companion	104	440	10.80/Hour	494,208
Adult Dental	832	2	102.00/Per Visit	169,728
Adult Vision	572	2	70.00/Per Visit	80,080
Nursing LPN	182	1,320	20.00/Hour	4,804,800
Nursing RN	26	660	30.00/Hour	514,800
Private Vehicle	26	N/A	7,500.00/Per Item	195,000
<b>Grand Total (sum of Column E):</b>				<b>\$180,505,914</b>
<b>Factor C:</b>				<b>5,200</b>
<b>Factor D (Per Capita Average): Divide by C:</b>				<b>\$34,713</b>
<b>Average Length of Stay:</b>				<b>11.00 months</b>

**Monthly DDSN Staff Report - Financial Approval & Threshold Reporting for March 2022**

The purpose of this monthly report is to ensure staff comprehensively reports on all Executive Limitation Policy (800-CP-03) financial transactions for approval and financial threshold reporting requirements. The Finance and Audit Committee will decide which items require presentation to the Commission for a formal vote, as well as which items need only be reported via this monthly report to the Commission to ensure transparent reporting. After the Finance and Audit Committee's decisions, this report will highlight items in **green to notify Commission this will not need a formal vote** and highlight items in **yellow indicating item will require a formal Commission vote to approve**.

I. **New Non-Service Contracts \$200,000 or Greater:**

**Solicitation# 5400019193:** A fixed priced bid contract was solicited on 02/12/2020 for LPN/RN Support Services DDSN has several temp agencies on contract and providing nursing assignment to the Regional Centers. The contract essentially qualifies vendors to perform the service at a fixed price.

II. **Existing Service Contracts Increasing \$200,000 or Greater (simple list if based on indiv. choice; detail summary if not):**

None

III. **\$200,000 or Greater Increase in Personnel Positions for a Program or Division:**

None

IV. **New CPIP or Re-Scoping of an Existing CPIP:**

- 1) State Project # J16-9932 – Coastal Center – Campus Wide Fire Alarm Replacement:  
Bids for the project were received on January 18<sup>th</sup>. After a review and consideration of the bids, Commission approval is sought to enter into a contract with Hiller Systems, out of Summerville, SC for the amount of \$313,762.00

V. **New Consulting Contract:**

None

VI. **New Federal Grant:**

None

(NOTE: In July of each year, a report of all prior FY non-service expenditures by vendor over \$200,000 will be presented as a “post-payment” review. This will add visibility for expenditures from contracts originated in prior FYs and vendors with separate purchases aggregating over \$200,000 in current FY.)

**CONSIDERATION OF BIDS**

**COASTAL CENTER  
CAMPUSWIDE – FIRE ALARM REPLACEMENT  
COASTAL REGION  
STATE PROJECT NO. J16-9932**

The existing campus fire alarm system at Coastal Center is old and out-dated. The Agency has replaced systems in several buildings over the past several years, and project will complete the remaining buildings on campus. This project scope includes complete fire alarm replacements in fifteen (15) buildings, and a compatible network card for one (1) building. The new systems will tie into existing campus Network Annunciator at the campus switchboard.

The project was approved as a Capital Permanent Improvement Project (CPIP) at the May 20,2021 commission meeting.

It is recommended that a contract be awarded for the **Base Bid to Hiller Systems, Inc of SUMMERVILLE, SOUTH CAROLINA** in the amount of **\$313,762.00**. This bidder has been determined to be a responsive and responsible bidder. Permission is requested to award to this contract.

**BASE BID:                                 \$ 313,762.00**

**CONTRACT AMOUNT:                     \$ 313,762.00**

**Attachment:** Bid Tabulation  
**Bid Date:** January 18, 2022

**PROJECT NO.:** J16-9932  
**PROJECT NAME:** Coastal Center - Campus Wide Fire Alarm Replacement  
 9995 Miles Jamison Rd., Summerville, SC  
**ARCHITECT/ENGINEER:** Andrew Tharin, P.E.  
**BID DATE:** Tuesday, 1/18/2022  
**TIME:** 3:00 PM  
**LOCATION:** SCDDSN Central Office, Suite 178

SCDDSN Engineering and Planning Division  
 3440 Harden St. Extension  
 Columbia, SC 29203  
 Phone: (803) 898-9796  
 Fax: (803) 832-8188



BID TABULATION				
	CONTRACTOR NAME	BID SECURITY	ADDENDUM ONE	BASE BID
1	Hiller Systems, Inc. Summerville, SC	Yes	Yes	\$313,762.00
2	Farmer Construction Columbia, SC	Bid Withdrawn		
3	Tritek, Inc. Columbia, SC	Non-Responsive		

  
 Project Manager Andrew Tharin

  
 Witness

**Michelle G. Fry, J.D., Ph.D.**  
*State Director*  
**Rufus Britt**  
*Associate State Director*  
*Operations*  
**Lori Manos**  
*Interim Associate State Director*  
*Policy*



**COMMISSION**  
**Stephanie M. Rawlinson**  
*Chairman*  
**Barry D. Malphrus**  
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*Secretary*  
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3440 Harden Street Extension  
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**803/898-9600**  
**Toll Free: 888/DSN-INFO**  
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Reference Number: 413-08-DD  
Title of Document: Anti-Harassment  
Date of Issue: May 20, 2021  
Date of Last Revision: ~~May 20, 2021~~ **XXXX, 2022** (**NEWREVISED**)  
Effective Date: ~~May 20, 2021~~ **XXXX, 2022**  
Applicability: All DDSN State Employees, Contracted Personnel and Volunteers

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**PURPOSE**

The purpose of this directive is to define specific prohibited workplace conduct and to outline the protocols in place for reporting and investigating discrimination and harassment, sexual harassment, retaliation, and hostile work environment.

**I. STATEMENT OF POLICY**

The South Carolina Department of Disabilities and Special Needs (DDSN) is committed to maintaining a work environment that is free from all forms of discrimination and harassment, sexual harassment, retaliation, and hostile work environment. DDSN prohibits any workforce member from engaging in the acts and/or behaviors categorized by this directive, including all

forms of discrimination and harassment, sexual harassment, retaliation, and hostile work environment, with respect to employment.

Federal and state laws prohibiting discrimination include but are not limited to: Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1975 (ADEA), and the Americans with Disabilities Act of 1990 (ADA) and the South Carolina Human Affairs Law. This directive is intended to be consistent with federal and state discrimination laws. Discrimination in violation of this directive is subject to appropriate discrimination laws.

Any unacceptable, unprofessional, offensive, discriminatory, harassing, sexually harassing, or retaliatory conduct that violates this directive or this directive's intent, even if not considered unlawful, is wholly prohibited. This directive applies to all employees, contracted personnel, and volunteers, and all conduct in DDSN workplaces, and at all DDSN sponsored events occurring outside of the workplace.

## **II. GENERAL PROVISIONS**

A. **Definitions:** For purposes of this directive, the following definitions shall apply:

1. **Hostile Work Environment** – Situation in which one employee's behavior within a workplace creates an environment that is difficult or uncomfortable for another person to work in due to discrimination and harassment, sexual harassment and/or retaliation.
2. **Protected Activity** – Employee's opposition to any practice made an unlawful practice by Title VII or employee's participation in an investigation, proceeding, or hearing under Title VII.
3. **Workplace** – Any area in which employees work or work-related activities occur to include travel, field sites, state buildings, other facilities, and vehicles or other conveyances used for travel while on department business.

B. **Anti-Discrimination Training:** In an effort to ensure all DDSN employees understand the severity of the issue of harassment and discrimination, all employees shall complete initial Anti-Harassment and Anti-Discrimination training within 90 days of employment with DDSN and no less than annually thereafter. Existing DDSN employees, contracted personnel and volunteers must receive this training within 90 calendar days of approval of this directive.

## **III. PROHIBITED WORKPLACE CONDUCT**

Prohibited conduct in the workplace includes, but is not limited to, the following:

A. **Discrimination and Harassment**

1. Discrimination is any unfair treatment or harassment because of race, color, religion, sex, gender, age, disability, pregnancy (including childbirth or related medical conditions), or national origin.

2. Harassment consists of substantial and unreasonable words, gestures, or actions that are intended to frighten, alarm, or abuse another person, and/or cause a reasonable person mental or emotional distress. Harassment includes conduct by an employee that creates an intimidating, hostile or offensive work environment or interferes with an employee's work performance. Harassing conduct is characterized as unwanted, unwelcome, and non-consensual.
3. The discriminatory and/or harassing conduct may be between, but is not limited to: employee to employee, employee to supervisor, supervisor to employee, employee to non-employee or non-employee to employee. An employee is prohibited from harassing anyone by use of the employee's position or state-owned equipment.
4. Examples of discriminatory and/or harassing conduct includes, but is not limited to, the following:
  - a. Use of "hate speech," slurs, negative stereotyping, threatening and/or intimidating words or gestures, yelling, or any hostile conduct related to one of the protected characteristics described above; and/or,
  - b. Distribution, display or discussion of any written, graphic or sexually explicit material that ridicules, denigrates, insults, belittles or shows hostility or aversion toward an individual or group. This includes e-mail, text messages, and social media posts.
  - c. Physically threatening or intimidating actions like pushing, shoving, and blocking another's path with intent to intimidate.

## **B. Sexual Harassment**

Sexual harassment in any form is prohibited under this directive. Sexual harassment is a form of discrimination and is unlawful under Title VII of the Civil Rights Act of 1964. According to the Equal Employment Opportunity Commission (EEOC), sexual harassment includes unsolicited and unwelcome sexual advances, requests for sexual favors and/or other verbal or physical conduct of a sexual nature, when such conduct is:

- (a) Made explicitly or implicitly a term or condition of employment;
  - (b) Is used as a basis for an employment decision; and/or
  - (c) Unreasonably interferes with an employee's work performance by creating an intimidating, hostile or otherwise offensive working environment.
1. Examples of sexual harassment include, but are not limited to, the following:
    - a. Sexual innuendoes, suggestive comments, jokes and/or questions of a sexual nature, sexual propositions, lewd remarks or threats, references to gender-specific traits, or requests for any type of sexual favor, including repeated and unwelcomed requests for dates;



- b. The distribution, display or discussion of any written or graphic material, physical or digital, that is sexually suggestive or shows hostility toward an individual or group because of sex, suggestive or insulting sounds, leering, staring, whistling, obscene gestures or content in letters; and/or,
- c. Unwelcome, unwanted physical contact like touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling, forced sexual intercourse or assault.

**C. Retaliation**

No hardship, loss of benefit and/or other penalty may be imposed on an employee as punishment for filing or responding to a bona fide complaint of discrimination/harassment, sexual harassment or hostile work environment, appearing as a witness in the investigation of a complaint, or serving as an investigator. Retaliation or attempted retaliation is a violation of this directive and anyone who does so is subject to appropriate action, up to and including termination. Lodging a valid complaint will in no way be used against the employee or have an adverse impact on the complainant's employment status.

**D. Hostile Work Environment**

- 1. A hostile work environment exists where any harassing conduct creates an offensive and/or unpleasant working environment. Anyone in the work place is capable of creating a hostile work environment including, but not limited to, supervisors, other employees, or supported individuals.
- 2. Harassment which creates a hostile work environment may include, but is not limited to, unwanted sexual or discriminatory verbiage, unwelcome distribution of sexually explicit or discriminatory materials, and/or nonconsensual physical contact.

**IV. WORKPLACE RELATIONSHIPS**

- A. Supervisors may not have a romantic or sexual relationship with a subordinate, nor may they threaten or imply that an employee's response to sexual advances or any other harassing behaviors will, in any way, influence that employee's continued employment or career development.
- B. If a romantic relationship exists between peers, the parties must be aware that one or both may be moved to a different work unit or other actions may be taken. Although having a consensual romantic relationship with another employee is not harassment, harassment may occur if either person in the relationship engages in conduct in the workplace that is inappropriate or unwelcome.
- C. Employees may not provide DDSN sponsored services to family members or to individuals with whom they have a romantic or sexual relationship.

## **V. MANAGEMENT/SUPERVISORY ACTION**

Managers and supervisors shall:

- A. Take appropriate measures to prevent, identify, and stop discrimination and harassment, sexual harassment, retaliation, and hostile work environment, and/or retaliation;
- B. Take all reasonable steps to protect the person/people targeted by discrimination and harassment, sexual harassment, retaliation, and hostile work environment, and/or retaliation; and
- C. A manager or supervisor who becomes aware of an incident of alleged discrimination and harassment, sexual harassment, retaliation, and hostile work environment, and/or retaliation shall forward the information regarding the incident to the DDSN Office of Human Resources.

## **VI. REPORTING PROHIBITED WORKPLACE CONDUCT**

DDSN encourages the reporting of all perceived incidents of prohibited workplace conduct including unacceptable and offensive conduct, regardless of the offender's identity or position within DDSN. If any employee believes he/she is being treated in an unlawful, discriminatory manner or is being harassed, sexually harassed, is subject to a hostile work environment or is the target of retaliation, the employee should inform the individual/offender that such conduct is unwelcome and immediately report the conduct to their supervisor, the DDSN Office of Human Resources, or another member of management.

This directive is not intended to limit in any way the right of an employee to report incidents perceived as unlawful to an appropriate policing authority.

### **A. Complaint Procedures**

A complaint may be made verbally or in writing. If made in writing, the employee should use the Formal Complaint Form ~~available on the DDSN's Application Portal~~ and submit it to DDSN's Office of Human Resources. If the complaint is made verbally, the employee will be strongly encouraged to complete the Formal Complaint Form to assist DDSN in its investigation of the alleged violation within ten (10) calendar days. The Formal Complaint Form will be held confidential as allowed by law. All supervisors and other management-level employees having knowledge of complaints or allegations of harassment or discrimination are required to contact DDSN's Office of Human Resources immediately. Any workforce member who witnesses a violation of this directive should report the violation in the same manner as outlined above. Failure by a knowledgeable or witnessing party to report a violation of this directive will result in appropriate action, up to and including that party's termination.

### **B. Investigations and Confidentiality**

DDSN will take all necessary action to promptly and impartially complete an investigation into all complaints of prohibited conduct. An appropriate DDSN official will normally conduct the investigation, but another impartial investigator may be designated in certain circumstances.

DDSN will maintain confidentiality in its investigation to the extent possible. However, DDSN cannot guarantee complete confidentiality of the prohibited conduct allegation and the identity of the complainant. Nor, can DDSN guarantee complete confidentiality of the alleged perpetrator.

Employees are expected to cooperate both with internal investigations and external investigations conducted by appropriate policing authorities. Refusal to cooperate during an investigation will result in appropriate action, up to and including termination. Upon completion of the investigation, DDSN will communicate the findings to the complainant and any other necessary and appropriate parties.

To effectively investigate and resolve complaints associated with violations of this directive, DDSN requests and advises that those with knowledge of such violations report them within 120 calendar days of the occurrence of the alleged conduct.

## **VII. CORRECTIVE ACTIONS**

### **A. Disciplinary Action**

In accordance with DDSN directive 413-01-DD: Standards of Disciplinary Action, a finding of discrimination, harassment, and/or sexual misconduct will be addressed on a case by case basis. Consequences for violating this directive will depend upon the facts and circumstances of each particular situation. The severity of the corrective action will depend on the frequency and/or severity of the offense and any history of past discriminatory, harassing and/or sexual misconduct. An employee found to have engaged in prohibited conduct may be subject to disciplinary action, up to and including, termination.

### **B. False Reports**

Filing groundless and malicious complaints is an abuse of this directive and is strictly prohibited. Such actions are subject to appropriate action, up to and including termination.

---

Barry D. Malphrus  
Vice Chairman

---

~~Gary C. Lemel~~Stephanie M. Rawlinson  
Chairman

Attachment: Harassment Complaint Form

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**Michelle G. Fry, J.D., Ph.D.**  
*State Director*  
**Constance Holloway**  
*General Counsel*  
**Tracey Hunt**  
*Chief Financial Officer*  
**Janet Priest**  
*Interim Associate State Director*  
*Operations*  
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**COMMISSION**  
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**Eddie L. Miller**  
**David L. Thomas**  
**Michelle Woodhead**

Reference Number: 413-08-DD

Title of Document: Anti-Harassment

Date of Issue: May 20, 2021

Date of Last Revision: March 17, 2022 (REVISED)

Effective Date: March 17, 2022

Applicability: All DDSN State Employees, Contracted Personnel and Volunteers

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---

Barry D. Malphrus  
Vice Chairman

---

Stephanie M. Rawlinson  
Chairman

Attachment: Harassment Complaint Form

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# PROPOSED TO MARK OBSOLETE

Attachment F



Beverly A. H. Buscemi, Ph.D.  
*State Director*  
David A. Goodell  
*Associate State Director*  
*Operations*  
Susan Kreh Beck  
*Associate State Director*  
*Policy*  
Thomas P. Waring  
*Associate State Director*  
*Administration*

COMMISSION  
William O. Danielson  
*Chairman*  
Eva R. Ravenel  
*Vice Chairman*  
Gary C. Lemel  
*Secretary*  
Mary Ellen Barnwell  
Sam F. Broughton, Ph.D.  
Catherine O. Fayssoux  
Vicki A. Thompson

3440 Harden Street Ext (29203)  
PO Box 4706, Columbia, South Carolina 29240  
803/898-9600  
Toll Free: 888/DSN-INFO  
Website: www.ddsn.sc.gov

Reference Number: 250-10-DD

Title of Document: Funding for Services

Date of Issue: May 1, 2009  
Effective Date: May 1, 2009  
Last Review Date: January 9, 2017  
Date of Last Revision: January 9, 2017 (REVISED)

Applicability: All DSN Boards, All Financial Managers, All Contracted Service Providers

## I. PURPOSE

This document describes the system for funding services used by the South Carolina Disabilities and Special Needs (DDSN). In all cases, DDSN is required by law to serve consumers in the least restrictive environment. Funding for services is subject to changes in DDSN's budget.

## II. FINANCIAL MANAGERS

In their administrative role, the DSN Boards, and those grandfathered in as DSN Boards, act as Financial Managers for the majority of community-based services. If approved through a Request For Proposal (RFP) process through the State Fiscal Accountability Authority (SFAA), a Self-Directed Support Corporation (SDSC) may also act as a Financial Manager for the people for whom the SDSC was established. Funds for community-based services are managed by the applicable county DSN Board or SDSC. The DSN Board either provides the service itself or subcontracts with a qualified provider for the services rendered. The SDSC would not provide service itself, but rather arrange for services and pay the service provider. DDSN, at its option, may contract directly with and pay qualified providers. Qualified providers are those service providers who are qualified through the State Medicaid Agency's service provider enrollment process or through a request for proposal (RFP) process in place through the State Procurement

### DISTRICT I

P.O. Box 239  
Clinton, SC 29325-5328  
Phone: (864) 938-3497

Midlands Center - Phone: 803/935-7500  
Whitten Center - Phone: 864/833-2733

### DISTRICT II

9995 Miles Jamison Road  
Summerville, SC 29485  
Phone: 843/832-5576

Coastal Center - Phone: 843/873-5750  
Pee Dee Center - Phone: 843/664-2600  
Saleeby Center - Phone: 843/332-4104

Office (SPO). Contracted qualified providers have the option of billing Medicaid directly for Medicaid eligible consumers.

DDSN allocates funds for services in one of two ways:

- (1) Through a capitated system based on funding bands, or
- (2) Through a non-capitated fee for service system.

### **III. CAPITATED SYSTEM**

The funding band system is a budgeting system that assigns one of twelve different funding levels to consumers based on their needs. The amount of funding assigned to each level is an average cost of services in each level. Each consumer's needs are different and, as such, the associated costs to fund services to meet those needs vary. The amount of funding attached to a given funding level is not an entitlement; all services provided to a consumer must be based on assessed needs and properly justified in their approved plan. Financial Managers are expected to utilize all available funds to meet the needs of all consumers to whom they provide services. Financial Managers are required to inform DDSN when funds are not available to address identified needs listed in a consumer's current plan. Additional funding is possible through an outlier request system when a consumer's circumstances and needs are substantially higher than the average. Certain threshold levels must be reached before outlier funding may be considered. The outlier request system is described in detail in DDSN Directive 250-11-DD: Outlier Funding Request System – Capitated Funding System.

There are nine (9) residential budgeting levels and three (3) non-residential (persons living at home) budgeting levels. A description of each level follows. The current funds allocated for each level and the outlier thresholds are listed in Attachment A: Statewide Individual Funding Levels.

#### **A. Residential**

Residential funding bands are sufficient on average to cover the following services:

- Residential Habilitation
- Day Services
- Employment Services
- Enhanced Supports

The following enhanced supports are included as part of the residential habilitation service definition. The cost for these enhanced supports is included in the residential habilitation reimbursement rate. Payment for the following enhanced supports is the responsibility of the residential habilitation service provider:

- Psychological Services, which includes counseling and behavior support services

People in residential placements can also receive the following enhanced supports. These enhanced supports are not included as part of residential habilitation service definition. The cost for these services is included in the residential funding band, but is not included in the residential habilitation reimbursement rate. As such, the contracted residential service provider is not responsible for the cost of the following services: (Please note that Financial Managers receiving the funding band for residential consumers are responsible for the cost of the following services.)

- Adult Companion Services (only allowed if consumer is living in an SLP-I)
- Adult Dental
- Adult Vision
- Audiology
- Assistive Technology
- Prescription Drugs (limit of two (2) over the Medicaid State Plan limit)

Transportation to/from day supports is the responsibility of the residential service provider.

The Residential Funding Bands are as follows:

**BAND R     Individuals Moving from a Regional Center to the Community**

Usually consumers residing in:

- ICFs/IID
- Community Residential Care Facility – Higher Needs
- Community Training Home II – Higher Needs

**BAND H     Residential Higher Needs**

Usually consumers residing in:

- ICFs/IID
- Community Residential Care Facility – Higher Needs
- Community Training Home II – Higher Needs

**BAND G     Residential Lower Needs**

Usually consumers residing in:

- Community Residential Care Facility – Lower Needs
- Community Training Home II – Lower Needs

**BAND F      Supported Residential – Enhanced Community Training**

Usually consumers living in Enhanced Community Training Home I

**BAND E      Supported Residential – Community Training Home-I**

Usually consumers living in Community Training Home-I

**BAND D      Supported Residential – Supervised Living Program I**

Usually consumers living in Supervised Living Program I

**BAND C      Supported Living – Supervised Living II**

Usually consumers living in Supervised Living Program II

**BANDS K and L      CIRS**

Usually consumers living in a Community Inclusive Residential Supports Placement.

**B.      Non-Residential, “At Home” Levels**

“At home” funding bands are sufficient on average to cover the following services:

- Day Services
- Employment Services

Transportation to/from day supports for consumers living at home (Bands A, B and I consumers) is the responsibility of the day supports provider.

The Non-Residential, “At Home” Funding Bands are as follows:

**BAND B      Family Supports – Home Supports - Intellectual Disabilities/Related Disabilities Home and Community Based Waiver**

Consumers who:

- Reside at home, and
- Are in the IID/RD Home and Community Based Waiver, and
- Receive a combination of Day Services, Employment Services, and/or Enhanced Supports.

Enhanced Supports that may be received include:

- Adult Companion Services
- Adult Dental
- Adult Vision
- Audiology

- Assistive Technology
- Nursing
- Personal Care I
- Personal Care II
- Prescription Drugs (limit of two (2) above State Medicaid Plan)
- Psychological Services, including counseling, and behavior support services
- Respite

**BAND I      Family Supports – Home Supports - Community Supports Home and Community Based Waiver**

Consumers who:

- Reside at home, and
- Are in the Community Supports Home and Community Based Waiver, and
- Receive a combination of Day Services, Employment Services, and/or Enhanced Supports.

Enhanced Supports that may be received include:

- Personal Care I
- Personal Care I
- Psychological Services, including counseling, and behavior support services
- Respite

**BAND A      State Funded Community Supports**

Consumers who reside at home and are not enrolled in a waiver.

There is a Budget Calculator on DDSN's Business Tools Portal which lists available services.

**C.      Outlier Thresholds**

When a consumer's circumstances and needs are substantially higher than the average, additional funding is possible through an outlier request system.

Residential Band H: Consumers whose budgets exceed the outlier threshold may be considered for outlier status.

At Home Band B: Consumers whose budgets exceed the outlier threshold may be considered for outlier status. The majority of the approved outliers are for people with high levels of nursing service needs.

When a consumer is given outlier status, the Financial Manager is given funding in addition to the funding band to cover the cost of the approved higher level of services. If the consumer is designated as needing a residential outlier and is served by a contracted qualified provider, the additional approved funding will be added to the contracted qualified provider's reimbursement rate.

#### **IV. NON-CAPITATED SYSTEM**

The non-capitated system pays the Financial Manager for specific types of services, rather than for groups of services. The services include:

- For people with Intellectual Disabilities – Related Disabilities or Autism: Case Management, Respite (for those not enrolled in the Home and Community Based Waivers), Individual Rehabilitation Supports, and Early Intervention.
- For people with Head and Spinal Cord Injuries: Case Management, Supported Employment, Individual Rehabilitation Supports, Residential Habilitation, Day Habilitation, Prevocational Services, and Respite.

#### **V. HOW CHOICE WORKS WITH THE FUNDING SYSTEM**

A Request For Proposal process is in place through the State Procurement Office to increase the choices available to consumers by identifying and approving providers of services. When a consumer is satisfied with the current services and supports he/she is receiving, it is likely that no changes will be made. However, when services are necessary, justified by an assessment, included in the consumer's approved plan, and the consumer desires another service provider, the consumer may select another service provider from the Qualified Provider List. Funding follows the consumer if he/she elects to change service provider. If another service is appropriate to meet a consumer's needs, he/she may opt for the other service and then select a contracted qualified provider to provide the new service.

If a consumer chooses another contracted qualified provider, the Financial Manager will:

- Document the consumer's/guardian's choice of a qualified provider;
- Obtain the consumer's/guardian's permission (through signature) to transfer the original file and related information specific to the service being delivered; and
- Transfer the original file and all related information to the selected qualified provider.

The Financial Manager will receive the band payment or other funding allocated to the consumer. If the qualified provider elects not to bill Medicaid directly and instead bills the Finance Manager for Medicaid eligible consumers, the Financial Manager will contract with and pay the qualified provider upon delivery of service and submission of appropriate service reporting information including bills presented. If the qualified provider chooses to bill Medicaid directly for those consumers who are Medicaid eligible, the State Medicaid Agency will make payments directly to the provider of a covered service furnished to an eligible consumer in accordance with Section 1902(a)(32) of the Social Security Act. Any amounts paid by the State Medicaid Agency to a qualified provider will be deducted from the funding band payment to the Financial Manager. DDSN may also contract directly with and pay qualified providers.

#### **VI. ASSIGNMENT OF FUNDING BANDS**

##### **A. Analyzing the Data**

Every month the Cost Analysis Division will download data from three (3) of DDSN's mainframe applications:

- Consumer Data Support System (CDSS); and
- Service Tracking System (STS); and
- Waiver Tracking System (WVR).

The Cost Analysis Division will run different queries and reports and analyze the data.

- Residential reports will be produced to determine who has moved into or out of a residential placement and if a funding band needs to be assigned or changed. In addition, the Cost Analysis Division will sign off on all residential admission/discharge/transfer forms. The form with all approvals will be scanned into a PDF file and sent to the residential service provider. The form indicates what funding band will be assigned to the consumer when he/she moves. If the consumer is moving to a service provider from the Qualified Provider List, the form will also indicate what rate will be paid.
- Reports will be produced to determine which consumers have been enrolled in an “at-home” family support waiver slot and have an approved budget. The reports will also indicate which consumers have been terminated from an “at home” family support slot. Band B funding is provided from the month the waiver budget starts through the month the waiver budget ends. If the consumer attends center-based day supports and that service is in his/her waiver budget, a day program slot will be awarded.

If the consumer initially does not receive center-based day supports (a slot was not awarded), but later started receiving center-based day supports, a day program can be requested at that time.

- Other reports will indicate which consumer living “at home” receives day supports funded either by facility-based rehabilitation support, state funds, or other. It will indicate who has been admitted or discharged from center-based supports and supported employment. Consumers’ Band A funding designations will be made as appropriate. This does not affect the amount of funding received, but it does indicate if a provider has vacancies or is over-enrolled.

#### **B. New Residential Admissions**

Consumers moving from “at home” in the community will be automatically funded at the following levels unless otherwise justified through review of the available needs assessments.

- Band G level for ICF/IID, CRCF, and CTH-II placements; or
- Band C level for SLP-II placements; or
- Band D level for SLP-I placements; or
- Band E level for CTH-I placements; or
- Band F level for Enhanced CTH-I placements

In accordance with DDSN Directive 502-01-DD: Admissions/Discharge of Individuals to/from DDSN Funded Community Residential Settings, only those consumers pre-approved by DDSN officials for residential admission will be funded.



**Funding Band Changes:** If the residential service provider feels a different funding band level is warranted, the residential service provider must provide detailed justification along with supporting documentation (behavioral support plan, behavioral data, the annual plan or Needs Assessments). This justification must be submitted to the appropriate DDSN District Office along with the Community Residential Admissions/Discharge Report. This information, along with any other information DDSN may have, will be staffed and a determination will be made.

**Outlier Funding:** If the residential service provider feels outlier funding is warranted, the residential service provider must submit the "Initial Request for Outlier Funding" to the appropriate DDSN District Office.

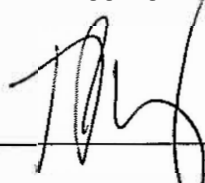
### C. Residential Transfers

Consumers moving from DDSN Regional Centers or Alternative Placements will be funded at the following levels, unless otherwise indicated through internal review of assessments of need:

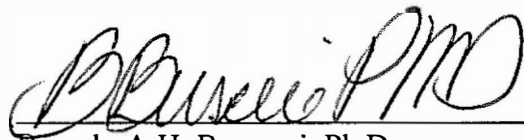
- Band H level for ICF/IID, CRCF, and CTH-II placements; or
- Band C level for SLP-II, Band D level for SLP-I, Band E level for CTH-I, and Band F level for Enhanced CTH-I.

SLP-II, SLP-I, CTH-I and Enhanced CTH-I consumers moving to more restrictive placements in CTH-II's, CRCF's, and ICFs/IID will be funded at the Band G level unless otherwise justified.

Consumers moving to SLP-II, SLP-I, CTH-I, and Enhanced CTH-I placements will be funded at the funding band level appropriate for that type of residential placement



\_\_\_\_\_  
Tom Waring  
Associate State Director-Administration  
(Originator)



\_\_\_\_\_  
Beverly A.H. Buscemi, Ph.D.  
State Director  
(Approved)

Related Directives: 250-11-DD  
502-01-DD

***To access the following attachment, please see the agency website page "Attachments to Directives" under this directive number at: <http://www.ddsn.sc.gov/about/directives-standards/Pages/AttachmentstoDirectives.aspx>.***

Attachment: Statewide Individual Funding Levels

**South Carolina Department of Disabilities and Special Needs  
 FY 2017 Statewide Individual Funding Levels  
 Effective July 1, 2016  
 Adjusted Rates for Health Insurance and Retirement Increases**

		Revised Funding Bands effective <u>07/01/16</u>
Band A	Day Supports Only - Non Waiver Funded	\$14,222
Band B	At Home Waiver Supports	\$12,990
Band C	Supported Residential - SLP-II	\$31,666
Band D	Supported Residential - SLP-I	\$19,568
Band E	Supported Residential - CTH-I	\$24,297
Band F	Supported Residential - Enhanced CTH-I	\$38,104
Band G	Residential Low Needs	\$61,563
Band H	Residential High Needs	\$82,398
Band I	At Home – Community Support Waiver	\$13,612
Band K/L	Community Inclusive Residential Supports	See CIRS Manual

Residential Band H - Individuals whose costs exceed \$104,632 may be considered for outlier status.

At Home Band B - Individuals whose costs exceed \$34,358 may be considered for outlier status. The majority of the approved outliers are for individuals with high levels of nursing service needs.

**CASE MANAGEMENT RATE**

Per Year	\$1,643.32
Per month	\$136.94

# PROPOSED TO MARK OBSOLETE

Attachment G

**Beverly A. H. Buscemi, Ph.D.**  
*State Director*  
**David A. Goodell**  
*Associate State Director*  
*Operations*  
**Susan Kreh Beck**  
*Associate State Director*  
*Policy*  
**Thomas P. Waring**  
*Associate State Director*  
*Administration*



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**COMMISSION**  
**William O. Danielson**  
*Chairperson*  
**Gary C. Lemel**  
*Vice Chairman*  
**Eva R. Ravenel**  
*Secretary*  
**Mary Ellen Barnwell**  
**Sam F. Broughton, Ph.D.**  
**Catherine O. Fayssoux**  
**Vicki A. Thompson**

Reference Number: 250-11-DD

Title of Document: Outlier Funding Request System – Capitated Funding System

Date of Issue: May 1, 2009  
Effective Date: May 1, 2009  
Last Review Date: July 11, 2016  
Date of Last Revision: July 11, 2016 **(REVISED)**

Applicability: All DSN Boards, All Financial Managers, All Contracted Residential and Day Support Service Providers

## **I. PURPOSE**

The purpose of this document is to provide procedures for requesting outlier funding and band changes for residential services from the South Carolina Department of Disabilities and Special Needs (DDSN) in connection to the funding band system.

The funding band system is a budgeting system that assigns nine (9) different funding levels to consumers based on their needs. The amount of funding assigned to each level is an average cost of services in each level. Each consumer's needs are different and, as such, the associated costs to fund services to meet each consumer's needs vary. The amount of funding attached to a given funding level is not an entitlement; all services provided to a consumer must be based on assessed needs and properly justified in their approved plan. In all instances, DDSN is required by law to serve consumers in the least restrictive environment.

In their administrative role, the Disabilities and Special Needs Boards (DSN Boards), and those grandfathered in as DSN Boards, act as Financial Managers for the majority of community-based services. If approved through a Request For Proposal (RFP) process through the Budget and Control Board's Materials Management Office, a Self-Directed Support Corporation (SDSC) may also act as a Financial Manager for the individuals for whom the SDSC is established. Funds for community-based services are managed by the applicable county DSN Board or SDSC. The DSN Board either provides the service itself or subcontracts with a qualified

### **DISTRICT I**

P.O. Box 239  
Clinton, SC 29325-5328  
Phone: (864) 938-3497

Midlands Center -Phone: 803/935-7500  
Whitten Center -Phone: 864/833-2733

9995 Miles Jamison Road  
Summerville, SC 29485  
Phone: 843/832-5576

### **DISTRICT II**

Coastal Center -Phone: 843/873-5750  
Pee Dee Center -Phone: 843/664-2600  
Saleeby Center -Phone: 843/332-4104

provider for the services rendered. The SDSC would not provide service itself, but rather arrange for services and pay the service provider.

Financial Managers are expected to utilize all available funds to meet the needs of all their consumers. Financial Managers are required to inform DDSN when funds are not available to address identified needs in consumers' current plans. Additional funding is possible through an outlier or band change request system when consumers' circumstances and needs are substantially higher than the average. Certain threshold levels must be reached before outlier funding may be considered. The outlier thresholds are published along with the official funding band levels in DDSN Directive 250-10-DD: Funding for Services. Outlier threshold levels are adjusted as funding band levels are adjusted.

The amount of funding available for outlier requests is subject to changes in DDSN's budget.

## **II. PROCEDURES**

### **A. Initial Outlier and Band Change Requests**

All Residential Outliers, Band B Outliers, and Band change requests will be submitted to the appropriate DDSN District Director for review and subsequent recommendation to the DDSN Central Office for final programmatic and fiscal review. The documentation requirements for requesting outlier funding are detailed below in Section II. C. Justification Requirements and Evaluation Criteria. The Cost Analysis Division will notify providers as to the disposition of the funding request.

### **B. Follow-Up Reviews**

#### **1. Residential Outliers**

All residential outliers will be reviewed annually to re-evaluate consumers' needs. The review will coincide with each consumer's annual planning meeting. Within 30 days of the annual planning meeting, the service provider must re-justify the need for outlier funding both from a programmatic and fiscal perspective, noting any changes since the most recent review.

Failure to submit timely re-justification will result in discontinuance of outlier funding until such time as the re-justification is submitted and reviewed. This does not affect the consumer's receipt of services. The service provider is still required to maintain sufficient staffing to ensure consumer health and safety. The due date for re-justification will be 30 days after the consumer's annual support plan date indicated on the Assessment and Planning Module of the Consumer Data Support System. The due date for ICF/IID consumers will be one (1) year from the last re-justification. The Cost Analysis Division will send notices to service providers reminding them of the due dates. Documentation and routing requirements will be the same as in the initial application for such funding.

2. Band B Outliers

The Cost Analysis Division will review approved Band B Outliers on a six (6) month basis. The review will be based on the level of services delivered including an analysis of Medicaid paid claims history. Providers will be notified of changes to outlier funding levels. Unless requested by the Cost Analysis Division, no submission of documentation from the provider is required for this review.

**C. Justification Requirements and Evaluation Criteria**

1. Residential Outliers and Band Change Requests

a. Request Forms

Use the Initial Request for Outlier Funding form (Attachment A) to submit justifications for initial outlier and Band change requests and the Re-justification Request for Outlier Funding form (Attachment B) for re-justifications for residential outliers. These forms are in Microsoft Word format and are available on the DDSN Portal located under Business Tools, Forms.

All requests must include confirmation from the service provider's Executive Director that:

- The level of services approved for outlier funding are being provided to the consumer, and
- The services are properly documented, and
- The dollars approved for outlier funding are specifically used for the purposes intended using a Certification of Provision of Services for Residential Outliers form (Attachment C). This certification page must accompany all initial and re-justification requests.

b. Criteria for Outlier Payments

- i. The cost to provide enhanced services to consumers must exceed established thresholds. The cost should be calculated by considering the entire residential setting in which each consumer will be served.

Required Documentation:

- Initial Request: proposed budget of residential setting in which consumer is served to include proposed staffing schedule, or

- Annual Re-justification: financial statement covering the previous 12 months for the residential setting in which the consumer was served, and
  - Identify what costs the provider incurred to accommodate the consumer's new level of needs or in the case of a new consumer filing a vacancy, what additional costs are incurred to accommodate the new consumer. Attach before and after staffing patterns – if additional staffing was the primary reason for the increased costs. Use the Residential Staffing Pattern spreadsheet (Attachment D) to demonstrate the current, additional staff needed and new staffing pattern. Examples of residential staffing patterns (Attachment E) are also available. The Residential Staffing Pattern spreadsheet is in Microsoft Excel format and is available on CDSS. It may also be requested from the Cost Analysis Division.
- ii. The consumer's or others' health and/or safety are shown to be at imminent risk of serious harm without enhanced services.

Required Documentation:

- Initial Requests or Annual Re-justifications: critical incident reports; police reports, medical/psychiatric evaluations, behavioral support plan, behavioral data graphs, risk management reports, or a description of how enhanced staffing or 1 on 1 staffing will be utilized to reduce or alleviate risk.
- iii. Alternative less intrusive/less costly interventions have been attempted and proven unsuccessful.

Examples of less intrusive/costly interventions: effective behavior support plans, consumer compatibility adjustments, consumer activity/scheduling enhancement/adjustment, technology (e.g., door alarms, video monitoring, GPS tracking devices), 1:2 enhanced staffing is attempted prior to 1:1 staffing.

Required Documentation:

- Initial Request: written description of alternatives attempted and specific details of how and why alternatives were unsuccessful, or

- Annual Re-justification: written description of efforts to and results of fading enhanced services.

2. In Home Band B Outliers

Information Required

- Initial Request: Include a synopsis of the consumer's needs and justification for the level of service being provided, a copy of the current and/or proposed waiver budget, and any needs assessment or physician's order required by the ID/RD Waiver Manual.
- Re-justification: The Cost Analysis Division will review Band B Outliers on a quarterly basis. The review will be based on the level of services delivered including an analysis of Medicaid paid claims history. Providers will be notified of changes to outlier funding levels. Unless requested by the Cost Analysis Division, no submission of documentation from the provider is required for this review.


**D. Documentation Requirements for Approved Residential Outliers**

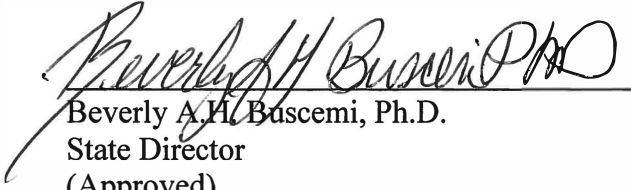
The following documentation must be maintained by the residential services provider and made available at the time of contractual compliance reviews. DDSN's QA/QI contractor will review this documentation for all residential outliers as part of their annual review:

1. Service providers must document the need for 1:1 Supervision or Intensive Supervision in the consumer's plan.
  - a. The time periods for which 1:1 supervision is to be provided (for example, 4:00 pm to 10:00 pm everyday) must be documented in the plan.
  - b. The plan must document how the enhanced staffing or 1:1 staffing will be used to minimize or alleviate risks. For example, the staff assigned should be provided with a schedule of intensive activities for the consumer(s).
  - c. In instances where funding was approved for intensive supervision (for example, additional staff caring for two (2) or more consumers), the service provider should document the intensive staffing in the plan of support of all consumers involved.
2. Service providers must document that 1:1 Supervision or Intensive Supervision was provided.
  - a. 1:1 Supervision: At the end of each shift that 1:1 supervision was provided, the direct care staff assigned to provide the 1:1 supervision must document that it was provided. This can be done

- by signing a log at the end of each shift certifying that the 1:1 supervision was provided. This log should be retained in the consumer's file.
- b. Intensive Supervision: A staffing schedule documenting the scheduling and provision of intensive activities for each consumer must be retained.
3. Service providers must cost the 1:1 or Intensive Supervision to the residential cost center where the supervision is being provided.
- a. Accounting for 1:1 and Intensive Staffing Supervision: When a consumer approved for such staffing moves from one residence to another, the service provider must account for the staffing in both residential cost centers. For example, if a consumer approved for 1:1 supervision lived in Residence A for five (5) months and Residence B for seven (7) months, the service provider should account for five (5) months in Residence A's cost center and seven (7) months in Residence B's cost center and be able to document the total cost for the supervision for the fiscal year.

In instances where intensive staffing is approved for an entire residence (additional staff to care for all consumers in the residence), the cost of the intensive staffing must be charged to that residential cost center. The service provider should maintain staffing patterns/staffing schedules information as backup for personnel costs charges to that cost center.

  
\_\_\_\_\_  
Tom Waring  
Associate State Director-Administration  
(Originator)

  
\_\_\_\_\_  
Beverly A.H. Buscemi, Ph.D.  
State Director  
(Approved)

Related Policies: 250-10-DD

***To access the following attachments, please see the agency website page "Attachments to Directives" under this directive number at <http://www.ddsn.sc.gov/about/directives-standards/Pages/AttachmentstoDirectives.aspx>.***

Attachment A: Initial Request for Outlier/Band Change Funding  
Attachment B: Re-justification Request for Outlier Funding  
Attachment C: Certification of Provision of Services for Residential Outliers  
Attachment D: Residential Staffing Pattern Spreadsheet  
Attachment E: Residential Staffing Pattern Examples





# INITIAL REQUEST FOR OUTLIER/BAND CHANGE FUNDING

## 1:1 OR ENHANCED STAFF SUPPORT PROVIDED IN A RESIDENTIAL OR DAY PROGRAM SETTING

**I. Nature of Request:**

- 1:1 staff support
- Enhanced staff support due to the needs of one person.
- Enhanced staff support due to the needs of more than one person.

**II. Amount of Funding Request:** \$ \_\_\_\_\_

**III. Location(s):** Name(s) and type(s) of setting(s) in which enhanced staff support will be provided. \_\_\_\_\_

**IV. Name(s)/SSN(s) of those who will be provided with enhanced staff support.**

\_\_\_\_\_

**V. Current staffing pattern:** Use "Residential Staffing Grid" if provided in a residential setting. \_\_\_\_\_

**VI. Staffing Pattern Requested:** Use "Residential Staffing Grid" if provided in a residential setting. \_\_\_\_\_

**VII. Reason for Request:** Describe why current staffing pattern is insufficient.

\_\_\_\_\_

**VIII. Interventions:** Describe the interventions that have been tried, the date(s) implemented, and the results. Attach BSP, behavior data, annual and any other pertinent supporting documentation.

\_\_\_\_\_

**XI. Include the most recent financial report for the residential cost center.**

\_\_\_\_\_

Requester's Name: \_\_\_\_\_ Date: \_\_\_\_\_

DSN Board/Provider: \_\_\_\_\_ Phone: \_\_\_\_\_

\_\_\_\_\_ Email: \_\_\_\_\_

**REJUSTIFICATION REQUEST FOR OUTLIER FUNDING**

**1:1 OR ENHANCED STAFF SUPPORT  
PROVIDED IN A RESIDENTIAL OR DAY PROGRAM SETTING**

**I. Currently approved for:**

- 1:1 staff support
- Enhanced staff support due to the needs of one person.
- Enhanced staff support due to the needs of more than one person.

**II. Request:**

- Continue as is. (No change in supervision level or funding). Complete Items III through VIII.
- Amend pattern. (Include updated "Residential Staffing Grid" if provided in a residential setting). Complete Items III through VIII.

Amount of Funding Requested: \$ \_\_\_\_\_

Describe Change: \_\_\_\_\_

- No longer needed. (Provide statement as to why 1:1/enhanced staff support is no longer needed) Skip Items III through VIII.

**III.** Location(s) in which staffing is provided. \_\_\_\_\_

**IV.** Name(s) and Social Security Number(s) of those receiving enhanced staff support.  
\_\_\_\_\_

**V.** Approved staffing pattern: (from previously approved request). Use "Residential Staffing Grid" if provided in a residential setting. \_\_\_\_\_

**VI.** For each recipient, describe how the enhanced staffing or 1:1 staffing is being utilized and the progress/improvements that resulted from the enhanced staff support. (Attach BSP, behavior data, annual plan, enhanced schedule of activities, and any other pertinent supporting documentation.)  
\_\_\_\_\_

**VII.** For each recipient, describe the plan for fading the enhanced staff support. (May attach BSP if plan is included.) \_\_\_\_\_

**VIII.** Include the most recent financial report for the residential cost center. \_\_\_\_\_

Requester's Name: \_\_\_\_\_ Date: \_\_\_\_\_

DSN Board/Provider: \_\_\_\_\_ Phone: \_\_\_\_\_

\_\_\_\_\_ Email: \_\_\_\_\_

## ~~CERTIFICATION OF PROVISION OF SERVICES FOR RESIDENTIAL OUTLIERS~~

~~I hereby certify that the level of services approved for \_\_\_\_\_ (*name of consumer*) are being provided and are properly documented.~~

\_\_\_\_\_

~~I also certify that the funding of \$ \_\_\_\_\_ (*funding band plus outlier funding*) approved for such services is being used for the purposes intended and is accounted for properly.~~

\_\_\_\_\_

~~Executive Director~~

\_\_\_\_\_

~~Service Provider Organization~~

## RESIDENTIAL STAFFING PATTERN

**NAME OF RESIDENCE:**

Please check one:

- Current Staffing Pattern  
 Proposed Staffing Pattern

-	SU	M	T	W	TH	F	SA
<b>MIDNIGHT</b>	0	0	0	0	0	0	0
1:00 AM	0	0	0	0	0	0	0
2:00 AM	0	0	0	0	0	0	0
3:00 AM	0	0	0	0	0	0	0
4:00 AM	0	0	0	0	0	0	0
5:00 AM	0	0	0	0	0	0	0
6:00 AM	0	0	0	0	0	0	0
7:00 AM	0	0	0	0	0	0	0
8:00 AM	0	0	0	0	0	0	0
9:00 AM	0	0	0	0	0	0	0
10:00 AM	0	0	0	0	0	0	0
11:00 AM	0	0	0	0	0	0	0
<b>NOON</b>	0	0	0	0	0	0	0
1:00 PM	0	0	0	0	0	0	0
2:00 PM	0	0	0	0	0	0	0
3:00 PM	0	0	0	0	0	0	0
4:00 PM	0	0	0	0	0	0	0
5:00 PM	0	0	0	0	0	0	0
6:00 PM	0	0	0	0	0	0	0
7:00 PM	0	0	0	0	0	0	0
8:00 PM	0	0	0	0	0	0	0
9:00 PM	0	0	0	0	0	0	0
10:00 PM	0	0	0	0	0	0	0
11:00 PM	0	0	0	0	0	0	0
-	0	0	0	0	0	0	0

**Total hours per week** **0**

**FTE's per week** **0.00**

## RESIDENTIAL STAFFING PATTERN

**NAME OF RESIDENCE:** **Current Staffing Pattern**

Please check one:

- Current Staffing Pattern**
- Additional Staffing Needed**
- Proposed Staffing Pattern**

-	<b>SU</b>	<b>M</b>	<b>T</b>	<b>W</b>	<b>TH</b>	<b>F</b>	<b>SA</b>
<b>MIDNIGHT</b>	1	1	1	1	1	1	1
1:00 AM	1	1	1	1	1	1	1
2:00 AM	1	1	1	1	1	1	1
3:00 AM	1	1	1	1	1	1	1
4:00 AM	1	1	1	1	1	1	1
5:00 AM	1	2	2	2	2	2	1
6:00 AM	2	2	2	2	2	2	2
7:00 AM	2	2	2	2	2	2	2
8:00 AM	2	2	2	2	2	2	2
9:00 AM	2	0	0	0	0	0	2
10:00 AM	2	0	0	0	0	0	2
11:00 AM	2	0	0	0	0	0	2
<b>NOON</b>	2	0	0	0	0	0	2
1:00 PM	2	0	0	0	0	0	2
2:00 PM	2	0	0	0	0	0	2
3:00 PM	2	2	2	2	2	2	2
4:00 PM	2	2	2	2	2	2	2
5:00 PM	2	2	2	2	2	2	2
6:00 PM	2	2	2	2	2	2	2
7:00 PM	2	2	2	2	2	2	2
8:00 PM	2	2	2	2	2	2	2
9:00 PM	1	1	1	1	1	1	1
10:00 PM	1	1	1	1	1	1	1
11:00 PM	1	1	1	1	1	1	1
-	<b>39</b>	<b>28</b>	<b>28</b>	<b>28</b>	<b>28</b>	<b>28</b>	<b>39</b>

**Total hours per week** **218**

**FTE's per week** **5.45**

## RESIDENTIAL STAFFING PATTERN

**NAME OF RESIDENCE:**     **Additional Staffing Needed**

Please check one:

- Current Staffing Pattern
- Additional Staffing Needed
- Proposed Staffing Pattern

	<b>SU</b>	<b>M</b>	<b>T</b>	<b>W</b>	<b>TH</b>	<b>F</b>	<b>SA</b>
<b>MIDNIGHT</b>	0	0	0	0	0	0	0
1:00 AM	0	0	0	0	0	0	0
2:00 AM	0	0	0	0	0	0	0
3:00 AM	0	0	0	0	0	0	0
4:00 AM	0	0	0	0	0	0	0
5:00 AM	0	1	1	1	1	1	0
6:00 AM	1	1	1	1	1	1	1
7:00 AM	1	1	1	1	1	1	1
8:00 AM	1	1	1	1	1	1	1
9:00 AM	1	0	0	0	0	0	1
10:00 AM	1	0	0	0	0	0	1
11:00 AM	1	0	0	0	0	0	1
<b>NOON</b>	1	0	0	0	0	0	1
1:00 PM	1	0	0	0	0	0	1
2:00 PM	1	0	0	0	0	0	1
3:00 PM	1	0	0	0	0	0	1
4:00 PM	1	1	1	1	1	1	1
5:00 PM	1	1	1	1	1	1	1
6:00 PM	1	1	1	1	1	1	1
7:00 PM	1	1	1	1	1	1	1
8:00 PM	0	0	0	0	0	0	0
9:00 PM	0	0	0	0	0	0	0
10:00 PM	0	0	0	0	0	0	0
11:00 PM	0	0	0	0	0	0	0
	<b>14</b>	<b>8</b>	<b>8</b>	<b>8</b>	<b>8</b>	<b>8</b>	<b>14</b>

**Total hours per week** **68**

**FTE's per week** **1.70**

## RESIDENTIAL STAFFING PATTERN

**NAME OF RESIDENCE:**      **Proposed Staffing Pattern**

Please check one:

- Current Staffing Pattern
- Additional Staffing Needed
- Proposed Staffing Pattern

	SU	M	T	W	TH	F	SA
<b>MIDNIGHT</b>	1	1	1	1	1	1	1
1:00 AM	1	1	1	1	1	1	1
2:00 AM	1	1	1	1	1	1	1
3:00 AM	1	1	1	1	1	1	1
4:00 AM	1	1	1	1	1	1	1
5:00 AM	1	3	3	3	3	3	1
6:00 AM	3	3	3	3	3	3	3
7:00 AM	3	3	3	3	3	3	3
8:00 AM	3	3	3	3	3	3	3
9:00 AM	3	0	0	0	0	0	3
10:00 AM	3	0	0	0	0	0	3
11:00 AM	3	0	0	0	0	0	3
<b>NOON</b>	3	0	0	0	0	0	3
1:00 PM	3	0	0	0	0	0	3
2:00 PM	3	0	0	0	0	0	3
3:00 PM	3	2	2	2	2	2	3
4:00 PM	3	3	3	3	3	3	3
5:00 PM	3	3	3	3	3	3	3
6:00 PM	3	3	3	3	3	3	3
7:00 PM	3	3	3	3	3	3	3
8:00 PM	2	2	2	2	2	2	2
9:00 PM	1	1	1	1	1	1	1
10:00 PM	1	1	1	1	1	1	1
11:00 PM	1	1	1	1	1	1	1
	<b>53</b>	<b>36</b>	<b>36</b>	<b>36</b>	<b>36</b>	<b>36</b>	<b>53</b>

**Total hours per week** **286**

**FTE's per week** **7.15**

**Michelle G. Fry, J.D., Ph.D.**  
*State Director*  
**Constance Holloway**  
*General Counsel*  
**Tracey Hunt**  
*Chief Financial Officer*  
**Janet Priest**  
*Interim Associate State Director*  
*Operations*  
**Lori Manos**  
*Associate State Director*  
*Policy*



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**Gary Kocher, M.D.**  
**Eddie L. Miller**  
**David L. Thomas**  
**Michelle Woodhead**

Reference Number:	738-01-DD
Title of Document:	Discharge Planning for Individuals Leaving an Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID) and Enrolling in a Home and Community-Based Services (HCBS) Waiver Program
Date of Issue:	February 1, 2008
Date of Last Revision:	<del>September 16, 2021</del> <u>March 17, 2022</u> (REVISED)
Effective Date:	<del>September 16, 2021</del> <u>March 17, 2022</u>
Applicability:	Community ICFs/IID, DDSN Regional Centers, and <u>Waiver</u> Case Management ( <u>WCM</u> ) Providers

## PURPOSE:

To establish the expectations of the South Carolina Department of Disabilities and Special Needs (DDSN) regarding discharge planning for individuals who may need services funded by a DDSN-operated Home and Community-Based Services (HCBS) Waiver upon leaving a DDSN Regional Center or Community Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID).

## POLICY:

DDSN is committed to supporting South Carolinians with disabilities through choice to receive needed services in the most integrated settings when it is appropriate and desired. To assure that needed services are available to newly discharged ICF/IID individuals on the day of discharge and beyond, appropriate planning prior to discharge must occur.

Individuals receiving care in ICF/IID settings who are preparing for discharge **must be offered information about Home and Community-Based services and Transitional Waiver** Case



Management ~~(WCM)~~ Services. ~~Case Management~~ Services may be received for up to six (6) months prior to ICF/IID discharge. These services are intended to prepare the individual for discharge, by preparing/completing waiver program enrollment, assessing needs, and planning for the delivery of services to meet identified needs, after discharge. Transitional Waiver Case Management (WCM) Services are paramount to successful discharge from an ICF/IID.

When ICF/IID discharge is likely (i.e., within six (6) months of the move), Qualified Intellectual Disability Professionals (QIDPs) or designees must provide the individual or his/her legal representative information about DDSN-Operated Home and Community Based Services and information about the Transitional WCM Case Management providers available in the county in which the individual will live after discharge. **NOTE:** Most Case Management Services providers render Transitional WCM Waiver Case Management. The individual/legal representative must choose a provider to render Transitional WCM Case Management services (a list of providers can be found on the DDSN website [www.ddsn.sc.gov](http://www.ddsn.sc.gov), select "Services," then select "Find a Service Provider," then select "DDSN Provider/Service Directory" and then select "Provider Directory." Select "Case Management" from the "Service" list; select the person's disability category from the "disability" list; and select the county to which the individual will be moving from the "county" list. The choice of Transitional WCM Case Management Services provider must be properly documented using the Acknowledgement of Choice Form (Attachment 2). Once chosen, the QIDP must contact the Transitional WCM Case Management Services provider to request services. The QIDP must be prepared to provide basic demographic information, information about the anticipated setting in which the individual will live, the approximate ICF/IID discharge date, and supports/services likely to be needed in the anticipated setting. If the chosen Transitional WCM Case Management Services provider is not willing to provide services, another provider must be chosen and the aforementioned process followed until a provider is found.

The chosen Transitional WCM Case Management Services provider will assign a Case Manager to service the individual preparing for ICF/IID discharge. Services rendered will be in accordance with DDSN-Operated Home and Community Based Standards and applicable DDSN Directives. Services rendered prior to discharge from the ICF/IID setting will be recorded by the Case Manager and billed directly to the South Carolina Department of Health and Human Service (SCDHHS) using procedure codes as outlined in the providers contract using the "Report of Case Management Services Rendered for ICF/IID Discharge Planning" (Attachment 3). Activity should be recorded as often as necessary monthly for up to six (6) consecutive months prior to the date of discharge from the ICF/IID. For example, if discharged from an ICF/IID on June 15, the Report may be submitted for reportable activities provided prior to discharge, during June, May, April, March, February and January. If the discharge did not occur on the planned date of discharge, the Case Management provider can still report activity, provided the activity rendered is still within the six (6) months, prior to the actual discharge date. Transitional WCM Services are limited to 80 units (20 hours per occurrence. The completed "Report of Case Management Services Rendered for ICF/IID Discharge Planning" and a copy of case notes supporting the units of service reported must be submitted to DDSN.

ICF/IID services are funded by Medicaid. In South Carolina, DDSN-operated Home and Community-Based (HCB) Services Waiver programs, allow services similar to those provided in

an ICF/IID to be funded by Medicaid when provided outside of an ICF/IID. Therefore, DDSN-operated HCBS Waivers allow ICF/IID individuals to move from the ICF/IID to another setting (e.g., a home of their own, a family member's home, Community Training Home, Supervised Living Program, Community Residential Care Facility) that is not an institution setting (e.g., Nursing Facility, Hospital, another ICF/IID) and to receive Medicaid funding for services needed in that setting. For many individuals receiving services in an ICF/IID, living outside of an institution setting would not be possible without HCBS Waiver services. More information about the DDSN-operated HCBS Waiver programs can be found by following the links notes in the "Related Documents" section of this directive.

In order to receive HCBS Waiver services, one must be enrolled in a waiver. To be enrolled, one must:

- Be eligible for Medicaid;
- Be assessed to have needs that can be met through the provision of waiver services;
- Be allocated a waiver slot;
- Choose to receive services through the waiver, and
- Meet ICF/IID or Nursing Facility (for HASCI only) Level of Care criteria.

For an individual receiving services in an ICF/IID preparing for discharge, the "Request for Waiver Slot Allocation" form (see appropriate Waiver manual) must be completed by the Case Manager within one (1) month prior to discharge from the ICF/IID and sent to the appropriate DDSN Waiver Enrollments Coordinator. If the individual is transferring to a DDSN sponsored residential habilitation setting, then the process outlined in DDSN Directive 502-01-DD: Admissions/Discharges/Transfers To/From DDSN Funded Community Residential Settings, must be followed.

When a HCBS Waiver slot is awarded and Notice of Slot Allocation is received, the Case Manager must secure the Waiver "Freedom of Choice" and "Acknowledgement of Rights and Responsibilities" forms from the appropriate party (see appropriate Waiver Manual).

For HCBS Waiver enrollment, one must be evaluated against the appropriate ICF/IID Level of Care criteria prior to, but not more than one (1) month before the date of, enrollment in the waiver. Waiver enrollment cannot occur unless it is determined that the individual meets the criteria and the determination is made within the appropriate time period. Please refer to the appropriate Waiver manual for more information regarding Level of Care evaluations.

To determine if an individual meets the criteria, appropriate information about the individual (i.e., Level of Care Packet) must be provided to the DDSN Eligibility Division. The ICF/IID Level of Care Packet must be prepared by the Waiver Case Manager with assistance from the QID/DDP or designee and must include:

- A completed request for ICF/IID Level of Care (refer to the appropriate Waiver manual for the appropriate request form).

- A formal psychological evaluation(s) that includes cognitive and adaptive scores that support a diagnosis of intellectual or developmental disability, a related disability, or a traumatic brain injury with onset prior to age 22, or documentation that supports that the person has a related disability such as a report from DDSN Autism Division, or appropriate medical, genetic or adaptive assessments. If available, the individual's DDSN Eligibility Letter should be included.
- A current plan including Behavior Support Plan.
- Current information about the individual's ability to complete personal care and daily living tasks, behavior/emotional functioning, and physical health status. For ICF/IID, the Code of Federal Regulations at §483.440(b) (5) (i) - [W203] requires that a final summary of the individual's developmental, behavioral, social, health and nutritional status be developed. The QIDP or designee should provide this final summary to the Case Manager for inclusion in the Level of Care Packet.

When the ICF/IID Level of Care evaluation is completed for ID/RD or Community Supports Waiver recipients, the DDSN Eligibility Division will provide notification as appropriate.

To determine if an individual meets Nursing Facility (NF) Level of Care for HASCI Waiver enrollment, forms specified in the HASCI Waiver Manual must be completed and submitted to the DHHS-Community Long Term Care (CLTC) Office serving the locality where the individual will live. When the Nursing Facility Level of Care evaluation is complete, the CLTC Office will provide notification as appropriate.

Once the ICF/IID individual has been assessed to have needs that can be met through the provision of waiver services; has chosen to receive services through the waiver; has been allocated a waiver slot, and has been determined to meet the appropriate ICF/IID Level of Care, he/she is ready for enrollment in the chosen HCBS DDSN-operated Waiver. Actual enrollment cannot occur until the individual is discharged from the ICF/IID. In most situations, the Waiver enrollment date will be the date the individual is officially discharged from the ICF/IID.

If during the enrollment process, the ICF/IID individual decides not to pursue HCBS Waiver enrollment, a statement must be obtained by the Waiver Case Manager from the individual/legal representative declining Waiver services (see the appropriate Waiver manual for more information).

Once the statement of declination of Waiver services is completed, the original should be maintained in the Case Management Services record and a copy maintained in the ICF/IID record. A copy will also be sent to the DDSN Waiver Enrollment Coordinator. If the statement of declination of Waiver services is not sent to the DDSN Waiver Enrollment Coordinator, the enrollment process will continue.

For ICFs/IID, the Code of Federal Regulations at §483.440(b)(5)(ii) - [W205] requires that a post-discharge plan of care be provided that will assist the individual to adjust to the new living environment to which they are moving. DDSN HCB Waiver programs require that *only* the

services included in the plan of care be provided. If any waiver services are to be received immediately following discharge from the ICF/IID (e.g., residential habilitation), appropriate planning prior to discharge from the ICF/IID must occur.

The Waiver Case Manager, with input from QIDPs, will develop one plan. This plan must document both the post-discharge plan that will assist the individual to adjust to the new living environment and the HCBS Waiver services to be furnished, the provider type and amount of services, frequency and duration of services to be delivered. The plan must be in the format required by the HCBS Waiver program for use as the Plan of Care.

Once the plan is developed, the individual/representative can select the Waiver service providers to be authorized to provide services immediately following discharge upon enrollment (i.e., effective date of authorization = the date of Waiver enrollment).

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Barry D. Malphrus  
Vice-Chairman

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Stephanie M. Rawlinson  
Chairman

***To access the following attachments, please see the agency website page “Current Directives” at: <https://ddsn.sc.gov/providers/ddsn-directives-standards-and-manuals/current-directives>***

Attachment 1: Case Management Services

Attachment 2: Freedom of Choice

~~Attachment 3: Report of Case Management Services Rendered for ICF/IID Discharge Planning~~

Attachment 34: DDSN Regional Center Individual Transition Checklist

Related Documents:

[Intellectual Disability/Related Disability Waiver Information Sheet](#)

[Community Support Waiver Information Sheet](#)

[HASCI Waiver Information Sheet](#)

DDSN Directive 502-01-DD: Admissions/Discharges/Transfers of Individuals to/from DDSN Funded Community Residential

Reference Number: 413-03-DD

Title of Document: Code of Conduct

Date of Issue: November 3, 2015

~~Effective Date: November 3, 2015~~

~~Last Review Date: July 23, 2019~~

Date of Last Revision: ~~July 23, 2019~~ XXXX, 2022 (REVISED)

~~Effective Date: XXXX, 2022~~

Applicability: All DDSN State Employees, Temporary Staff and Volunteers

**THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE SOUTH CAROLINA DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS (DDSN). THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. DDSN RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.**

South Carolinians deserve good government, which includes, in part, citizens having the highest degree of confidence in the conduct of state officials and employees. Citizens depend on state officials and employees to make lawful, ethical decisions and expect them to serve the interests of the people, not their own, which is demonstrated by remaining free from favoritism, undue influence, and all forms of impropriety, real or perceived.

All state officials and employees are bound by the State Ethics Act (Ethics Act). In addition, this Code of Conduct (Code) is intended to provide clear guidance, setting forth stringent and

uniform standards of official conduct. Much of this Code merely restates in simple terms the rules that currently exist in the Ethics Act. All DDSN employees are bound by this Code and continue to be bound by all federal and state laws, including the Ethics Act.

DDSN's General Counsel has been appointed as the Ethics Officer who will be responsible for assisting employees with questions concerning ethical conduct. In all cases of uncertainty, employees must seek guidance from the Ethics Officer.

## **GENERAL POLICY**

Five (5) ethical principles are central to all of the rules contained in the Code:

**Honesty:** Employees should be truthful and sincere in all interactions with the public and with each other.

**Fairness:** Employees should seek to make impartial, just, and equitable decisions.

**Integrity:** Employees should always act in a manner that instills public confidence and should avoid participating in any matter where a real or perceived conflict of interest exists.

**Respect:** Employees should demonstrate respect to others at all times.

**Loyalty:** Employees should remain loyal to the State and the citizens they serve and should not engage in any conduct that calls into question this loyalty.

Employees should be guided, first and foremost, by these ethical principles while performing their individual job duties and responsibilities. The following more specific rules are intended to be an application of these principles. Violation of any of these principles is grounds for discipline up to and including termination.

## **EIGHT STANDARDS OF CONDUCT**

### **I. Gifts and Other Things of Value**

DDSN employees work hard and it is understandable that citizens and businesses may want to show gratitude for quality customer service, a good working relationship, or a job well done. Acceptance of these gifts by state employees; however, has the potential to create real or perceived favoritism toward particular customers, vendors, or businesses, undue influence, or a real or perceived conflict of interest. Thus, the best practice is to avoid this situation.

**Rule 1:** **Except as provided below, employees may not accept a gift or anything of value for themselves from an individual or entity given as a result of their employment with the State.**

### **Clarifications:**

Gifts given because of a relationship that existed before their employment with the State or for reasons other than their employment with the State are not prohibited.

Gifts given by your employer and co-workers are not prohibited. Gifts are not prohibited as long as they do not violate the ethical principles of this directive.

Promotional, informational, or educational items, such as calendars, pamphlets, or pens, given to the employee as a result of your state employment with a value of less than \$10 are not prohibited by this rule. These items; however, shall at no time be prominently displayed in the agency to create an appearance of favoritism or endorsement of a particular product, vendor, or business.

Acceptance of a personalized trophy or plaque with a value of less than \$150 is not prohibited by this rule.

Items given to an employee, division, or DDSN, not otherwise excluded from this rule and not easily returned may be donated to a charity or placed in a common area for the enjoyment of all DDSN employees. These items may not be retained for the benefit of any one employee or particular group of employees. Any items donated or retained by DDSN for the benefit of all employees must be approved by the State Director, and DDSN must retain a file documenting all of these items.

Employees may not receive compensation for speaking; however, may accept a meal provided in conjunction with the speaking engagement where all participants are entitled to the same meal. In addition, employees may accept or be reimbursed for actual and reasonable travel and lodging expenses related to the speaking engagement.

Gifts that include travel, lodging and/or meal expenses paid for on behalf of an employee to participate in a work-related event, which could otherwise have been paid for by DDSN, is a gift to DDSN not the individual employee, and is not prohibited with the following two exceptions:

1. A state agency may never receive any gift from a lobbyist; and,
2. A state agency may receive a gift from a lobbyist principal up to the amounts prescribed by the State Ethics Commission.

## **II. Conflicts of Interest**

DDSN employees have a duty of loyalty to the State as their employer. Certain dealings outside of work, both personal and financial, have the potential to create an actual or perceived conflict in fulfilling this duty to the State. Employees should avoid these situations by limiting certain dealings outside of their employment or removing themselves from particular matters.

**Rule 2: Employees may not make, participate in, or influence a governmental decision in which the employee, a family member, an individual with whom the employee is associated, or a business with which the employee is associated has an economic interest.**



~~Employees may not have outside employment which creates a real or perceived conflict of interest or is incompatible with the duties and expectations of state employees. Refer to DDSN Directive 413-09-DD: Outside Employment, for information on employment outside of DDSN.~~ **The State Director must receive written approval from the Governor before engaging in outside employment. If the State Director seeks to be employed by another state agency or institution of higher education, the State Director must still obtain the approvals as required by S.C. Code Ann. § 8-11-170 (2019).**

**Employees may not have an economic interest in a contract with the State or its political subdivisions if employees are authorized to perform an official function relating to the contract.**

**Recusal:** Employees must report, in writing, any actual or perceived conflicts to DDSN's Ethics Officer, who will review and determine whether a conflict exists. **Reporting should occur within 14 calendar days of the identification of the conflict.** If the Ethics Officer determines no conflict exists, the Ethics Officer must document, in writing, the basis for the determination. If it is determined that a conflict exists, the employee must immediately remove themselves from the decision, vote, or process. The Ethics Officer must keep written documentation of all recusals.

**Definitions:**

For purposes of this rule, a "*family member*" includes a spouse, parent, sibling, child, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent, grandchild, and an individual claimed by the employee as a dependent for income tax purposes.

For purposes of this rule, an "*individual with whom the employee is associated*" means an individual with whom the employee (or a member of the employee's immediate family) have a mutual business interest, and any business of which the employee or a member of the employee's immediate family is a director, officer, owner, employee, compensated agent, or holder of stock worth \$100,000 or more at fair market value, and which constitutes five percent (5%) or more of the total outstanding stock of any class.

For purposes of this rule, a "*business with which the employee is associated*" means a business of which the employee or a member of the employee's immediate family is a director, officer, owner, employee, compensated agent, or holder of stock worth \$100,000 or more at fair market value, and which constitutes five percent (5%) or more of the total outstanding stock of any class.

For purposes of this rule, "*official function*" means writing or preparing the contract specifications, acceptance of bids, award of the contract, or other action on the preparation or award of the contract.



### **III. Financial Disclosures**

Employees that affect the daily decisions of DDSN are more accountable through financial disclosure to the public.

The current law expressly requires the first and second levels of an agency to file a disclosure report, which could be limited to an agency head and a chief of staff, if that position exists. Additional employees that serve in important decision-making positions should also be required to file a disclosure report.

**Rule 3: State employees who are:**

- (1) Agency heads;**
- (2) Chief, deputy, or assistant administrative officials or directors of a division, institution, facility, or department;**
- (3) Chief finance employees; and**
- (4) Chief purchasing employees are required by statute to annually file a Statement of Economic Interests with the State Ethics Commission pursuant to S.C. Code Ann. § 8-13-1110 (Supp. 2021).**

**DDSN will examine its organizational structure to determine if additional employees, because of their positions in the agency, should file a Statement of Economic Interests. Upon a determination that you should file, DDSN will notify you, in writing, of the filing requirement. Such employees, if not already required to file with the State Ethics Commission, must file a Statement of Economic Interests with the Department of Administration.**

### **IV. Use of State Resources**

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employment opportunities of state employees; instead, it prohibits individuals from engaging in certain activities on behalf of individuals or entities with state government.

**Rule 7:** For one (1) year following the employee's departure from state government, the former employee may not represent another individual or entity before the employee's former agency in a matter you directly and substantially participated in during employment (S.C. Code Ann. § 8-13-755 (2019)). Employees may not participate directly in the procurement of a contract and then depart the State agency and accept employment with an individual contracting with the governmental body if the contracts fell or would have fallen under their official responsibilities (S.C. Code Ann. § 8-13-760 (2019)).

### **VIII. Reporting Requirements and Whistleblower Protections**

At times, employees are aware that others are committing wrongdoing within an agency, but for various reasons, may have chosen not to report the misconduct. This may create the perception that this type of behavior is condoned by the agency. Citizens must be able to trust that state employees are doing all they can to prevent wrongdoing and at all times are protecting the interests and property of the State.

**Rule 8:** Employees must report an intentional violation of this Code of Conduct or any federal or state law or regulation by any agency employee, whether temporary or full-time, including a co-worker, subordinate, supervisor, senior manager, or any other employee.

**You must report any action by DDSN that results in substantial abuse, misuse, destruction, or loss of substantial public funds or resources.**

**Violation of any of these principles is grounds for discipline up to and including termination.**

#### **Reporting Requirements:**

DDSN designates the following process for such reports to be made to the appropriate authority. Depending on the facts of each case, the appropriate authority may be the DDSN General Counsel, DDSN Human Resources, the State Director, the DSN Commission Chairperson, or the State Ethics Commission. If you are uncertain who the appropriate authority is, contact the Ethics Officer.

These Whistleblower reports must be made verbally or in writing as soon as possible after the employee first learns of the wrongdoing, but no later than 180 days of the date the reporting employee first learns of the wrongdoing (S.C. Code Ann. §8-27-10 (2019)). This Whistleblower report must include the date of disclosure, the name of the employee making the report, the nature of the wrongdoing, and the date or date range of when the conduct occurred. If the Whistleblower report is oral, the DDSN Ethics Officer, or other state official to whom the report is made must reduce the report to writing. This is separate from reporting requirements related to Abuse or Neglect, see DDSN Directive 534-02-DD: Procedures for Preventing and Reporting Abuse, Neglect, or Exploitation of People Receiving Services from DDSN or a Contracted Provider Agency.

**Good Faith Requirement:**

All reports of wrongdoing must be made in good faith. An employee may be disciplined or terminated for making a report that he or she knows or reasonably should know is false.

**Whistleblower Protections:**

An employee who files a report within the specified time frame, to the appropriate authority, and in good faith, is considered a whistleblower. Whistleblowers may not be demoted, lose compensation, or be dismissed or suspended from employment as a result of filing a report of wrongdoing.

Nothing prevents an agency from disciplining or terminating a whistleblower for causes independent of the filing of a report of wrongdoing.

**Code of Conduct Training:**

The Department of Administration's Division of State Human Resources has developed a web-based training video on the requirements of this Code, located at <http://www.admin.sc.gov/humanresources/code-of-conduct> on the Department of Administration's website. The training ~~which~~ includes specific examples and hypothetical situations to provide concrete guidance to employees.

Every employee must review this initial web-based training video on this Code and certify, in writing, their understanding of this Code. Thereafter, all employees must receive annual refresher training on the Code and re-certify their understanding. All new employees must receive training on the Code within one (1) week of employment and certify their understanding of its requirements.

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~~Patrick J. Maley~~

~~Deputy Director~~

~~Barry D. Malphrus~~

~~Vice Chairman~~

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Mary Poole

State Director

Stephanie M. Rawlinson

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**Michelle G. Fry, J.D., Ph.D.**  
*State Director*  
**Constance Holloway**  
*General Counsel*  
**Tracey Hunt**  
*Chief Financial Officer*  
**Janet Priest**  
*Interim Associate State Director*  
*Operations*  
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**COMMISSION**  
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**Gary Kocher, M.D.**  
**Eddie L. Miller**  
**David L. Thomas**  
**Michelle Woodhead**

Reference Number: 413-03-DD

Title of Document: Code of Conduct

Date of Issue: November 3, 2015

Date of Last Revision: March 17, 2022 (REVISED)

Effective Date: March 17, 2022

Applicability: All DDSN State Employees, Temporary Staff and Volunteers

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South Carolinians deserve good government, which includes, in part, citizens having the highest degree of confidence in the conduct of state officials and employees. Citizens depend on state officials and employees to make lawful, ethical decisions and expect them to serve the interests of the people, not their own, which is demonstrated by remaining free from favoritism, undue influence, and all forms of impropriety, real or perceived.

All state officials and employees are bound by the State Ethics Act (Ethics Act). In addition, this Code of Conduct (Code) is intended to provide clear guidance, setting forth stringent and uniform standards of official conduct. Much of this Code merely restates in simple terms the rules that currently exist in the Ethics Act. All DDSN employees are bound by this Code and continue to be bound by all federal and state laws, including the Ethics Act.

DDSN's General Counsel has been appointed as the Ethics Officer who will be responsible for assisting employees with questions concerning ethical conduct. In all cases of uncertainty, employees must seek guidance from the Ethics Officer.

## **GENERAL POLICY**

Five (5) ethical principles are central to all of the rules contained in the Code:

**Honesty:** Employees should be truthful and sincere in all interactions with the public and with each other.

**Fairness:** Employees should seek to make impartial, just, and equitable decisions.

**Integrity:** Employees should always act in a manner that instills public confidence and should avoid participating in any matter where a real or perceived conflict of interest exists.

**Respect:** Employees should demonstrate respect to others at all times.

**Loyalty:** Employees should remain loyal to the State and the citizens they serve and should not engage in any conduct that calls into question this loyalty.

Employees should be guided, first and foremost, by these ethical principles while performing their individual job duties and responsibilities. The following more specific rules are intended to be an application of these principles. Violation of any of these principles is grounds for discipline up to and including termination.

## **EIGHT STANDARDS OF CONDUCT**

### **I. Gifts and Other Things of Value**

DDSN employees work hard and it is understandable that citizens and businesses may want to show gratitude for quality customer service, a good working relationship, or a job well done. Acceptance of these gifts by state employees; however, has the potential to create real or perceived favoritism toward particular customers, vendors, or businesses, undue influence, or a real or perceived conflict of interest. Thus, the best practice is to avoid this situation.

**Rule 1:** Except as provided below, employees may not accept a gift or anything of value for themselves from an individual or entity given as a result of their employment with the State.

### **Clarifications:**

Gifts given because of a relationship that existed before their employment with the State or for reasons other than their employment with the State are not prohibited.

Gifts given by your employer and co-workers are not prohibited. Gifts are not prohibited as long as they do not violate the ethical principles of this directive.

Promotional, informational, or educational items, such as calendars, pamphlets, or pens, given to the employee as a result of your state employment with a value of less than \$10 are not prohibited by this rule. These items; however, shall at no time be prominently displayed in the agency to create an appearance of favoritism or endorsement of a particular product, vendor, or business.

Acceptance of a personalized trophy or plaque with a value of less than \$150 is not prohibited by this rule.

Items given to an employee, division, or DDSN, not otherwise excluded from this rule and not easily returned may be donated to a charity or placed in a common area for the enjoyment of all DDSN employees. These items may not be retained for the benefit of any one employee or particular group of employees. Any items donated or retained by DDSN for the benefit of all employees must be approved by the State Director, and DDSN must retain a file documenting all of these items.

Employees may not receive compensation for speaking; however, may accept a meal provided in conjunction with the speaking engagement where all participants are entitled to the same meal. In addition, employees may accept or be reimbursed for actual and reasonable travel and lodging expenses related to the speaking engagement.

Gifts that include travel, lodging and/or meal expenses paid for on behalf of an employee to participate in a work-related event, which could otherwise have been paid for by DDSN, is a gift to DDSN not the individual employee, and is not prohibited with the following two exceptions:

1. A state agency may never receive any gift from a lobbyist; and,
2. A state agency may receive a gift from a lobbyist principal up to the amounts prescribed by the State Ethics Commission.

## **II. Conflicts of Interest**

DDSN employees have a duty of loyalty to the State as their employer. Certain dealings outside of work, both personal and financial, have the potential to create an actual or perceived conflict in fulfilling this duty to the State. Employees should avoid these situations by limiting certain dealings outside of their employment or removing themselves from particular matters.

**Rule 2: Employees may not make, participate in, or influence a governmental decision in which the employee, a family member, an individual with whom the employee is associated, or a business with which the employee is associated has an economic interest.**

**Refer to DDSN Directive 413-09-DD: Outside Employment, for information on employment outside of DDSN. The State Director must receive written approval from the Governor before engaging in outside employment. If the State Director seeks to be employed by another state agency or institution of higher education, the State Director must still obtain the approvals as required by S.C. Code Ann. § 8-11-170 (2019).**

**Employees may not have an economic interest in a contract with the State or its political subdivisions if employees are authorized to perform an official function relating to the contract.**

**Recusal: Employees must report, in writing, any actual or perceived conflicts to DDSN’s Ethics Officer, who will review and determine whether a conflict exists. Reporting should occur within 14 calendar days of the identification of the conflict. If the Ethics Officer determines no conflict exists, the Ethics Officer must document, in writing, the basis for the determination. If it is determined that a conflict exists, the employee must immediately remove themselves from the decision, vote, or process. The Ethics Officer must keep written documentation of all recusals.**

#### **Definitions:**

For purposes of this rule, a “*family member*” includes a spouse, parent, sibling, child, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent, grandchild, and an individual claimed by the employee as a dependent for income tax purposes.

For purposes of this rule, an “*individual with whom the employee is associated*” means an individual with whom the employee (or a member of the employee’s immediate family) have a mutual business interest, and any business of which the employee or a member of the employee’s immediate family is a director, officer, owner, employee, compensated agent, or holder of stock worth \$100,000 or more at fair market value, and which constitutes five percent (5%) or more of the total outstanding stock of any class.

For purposes of this rule, a “*business with which the employee is associated*” means a business of which the employee or a member of the employee’s immediate family is a director, officer, owner, employee, compensated agent, or holder of stock worth \$100,000 or more at fair market value, and which constitutes five percent (5%) or more of the total outstanding stock of any class.

For purposes of this rule, “*official function*” means writing or preparing the contract specifications, acceptance of bids, award of the contract, or other action on the preparation or award of the contract.

### **III. Financial Disclosures**

Employees that affect the daily decisions of DDSN are more accountable through financial disclosure to the public.



The current law expressly requires the first and second levels of an agency to file a disclosure report, which could be limited to an agency head and a chief of staff, if that position exists. Additional employees that serve in important decision-making positions should also be required to file a disclosure report.

**Rule 3: State employees who are:**

- (1) Agency heads;**
- (2) Chief, deputy, or assistant administrative officials or directors of a division, institution, facility, or department;**
- (3) Chief finance employees; and**
- (4) Chief purchasing employees are required by statute to annually file a Statement of Economic Interests with the State Ethics Commission pursuant to S.C. Code Ann. § 8-13-1110 (Supp. 2021).**

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## FY22 Spending Plan VS Actual Expenditures as of 2/28/2022

Category	Spending Plan	Cash Expenditures YTD	SCDHHS Monthly "Wash" Expenditures with Revenue YTD *	Total Monthly Expenditures YTD	Remaining Spending Plan	Spending Plan Deviation with Actual
DDSN spending plan budget	\$ 851,170,837	\$ 475,271,869	\$ 94,328,409	\$ 569,600,278	\$ 281,570,559	<b>REASONABLE</b>
Percent of total spending plan remaining	100.00%	55.84%	11.08%	66.92%	33.08%	
% of FY Remaining					33.33%	
Difference % - over (under) budgeted expenditures					0.25%	

\* In Feb 2022, providers billed & paid by SCDHHS for approximately \$124.8 million in services (waiver services + state plan services). DDSN paid the \$30.5 million state match to SCDHHS recorded as a cash expenditure and the \$94,328,409 difference was the "wash" Medicaid reimbursement revenue & expense added to maintain "apples to apples" comparison to FY22 spending plan.

Methodology & Report Owner: DDSN Budget Division