

SOUTH CAROLINA COMMISSION ON DISABILITIES AND SPECIAL NEEDS

MINUTES

July 20, 2023

The South Carolina Commission on Disabilities and Special Needs met on Thursday, July 20, 2023, 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

Eddie Miller - Chairman

Michelle Woodhead – Vice Chairman

Gary Kocher, MD - Secretary

Barry Malphrus

David Thomas

DDSN Administrative Staff

Constance Holloway, Interim State Director/General Counsel; Janet Priest, Associate State Director of Operations; Harley Davis, Ph.D., Chief Administrative Officer; Quincy Swygert, Chief Financial Officer; Courtney Crosby, Internal Audit Director; Lori Manos, Associate State Director of Policy; Carolyn Benzon, Deputy General Counsel; Greg Meetze, Chief Information Officer; Preston Southern and Jana Brown, Information Technology Division; and Christie Linguard, Executive Assistant.

Notice of Meeting Statement

Chairman Miller called the meeting to order, and Secretary Kocher 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 Miller welcomed everyone to the meeting. Vice Chairman Woodhead welcomed her parents, who are visiting from Tennessee.

Adoption of the Agenda

On a motion by Commissioner Kocher, seconded by Commissioner Thomas, the meeting agenda was unanimously approved as written by the Commission. (Attachment A)

Invocation

Chairman Miller gave the invocation.

Approval of Commission Meeting Minutes

Commissioner Thomas made a motion to approve the minutes from the June 15, 2023, regular Commission meeting; this motion was seconded by Commissioner Woodhead and unanimously approved by the Commission. (Attachment B)

Public Input

Michelle Shaffer of MaxAbilities, Heather Waddell of Tri-Development Center of Aiken County, Inc. and Amy Davenport all spoke to the Commission. Interim Director Holloway asked Ms. Davenport to email her concerns to the agency and someone will respond to her.

For the record, Interim Director Constance Holloway noted that Ms. Patricia Harrison wanted to speak during Public Input; however, do to pending litigation between Ms. Harrison and the Agency, she was not allowed to speak.

Policy Committee

Commissioner Malphrus noted that the Policy Committee met on July 18, 2023, and gave an update on a couple policies to include the following:

100-31-DD: Provider Qualifications and Contracting – this is a new directive to establish a process by which the Agency will contract with providers to deliver necessary services and support to individuals who are eligible for the agency’s services, to include Medicaid waver services. This directive has been out for public comment and is being presented to the Commission for approval. Discussion was held. Coming out of the Committee as a motion and second, the full Commission approved the directive as written. (Attachment C)

413-11-DD: COVID-19 Vaccine Requirements and Exemptions for Staff in Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICFs/IID) – the Committee is recommending this directive be declared obsolete as it is no longer required and can be addressed internally. Coming out of the Committee as a motion and second, the full Commission approved to make this directive obsolete. (Attachment D)

Old Business

A. Ongoing Projects List Update

Commissioner Thomas noted that there are some issues with some of the questions on this document; therefore, he is withdrawing his motion from the last Commission meeting and delaying staff presentation of this document for at least six months. Commissioner Malphrus would like the Commission to consider making a priority list instead of presenting all the answers at one time. Commissioner Thomas' motion to delay for six months was seconded by Commissioner Kocher and unanimously approved by the Commission. Not part of the motion, Commissioner Thomas asked if agreeable with the staff, the list could be prioritized as Commissioner Malphrus stated and presented even earlier than six months, if possible. (Attachment E).

B. Head and Spinal Cord Injury (HASCI) Drop-In Centers Update

Ms. Manos reminded everyone that at the beginning of the year, the Commission voted to continue funding the Centers at the previously approved amount of \$28,000 per quarter, per Center (\$112,000/quarter). Approval of the funding was granted for one year, with an update to the Commission provided six months from the initial approval date. Since January, a new HASCI Waiver service, Independent Living Skills, has been added. This addition is expected to assist providers to attract additional participants and generate additional funding for the Centers. Lastly, Ms. Manos stated that because of the population and the fact that a Center does not have a ton of people since there are not a ton of people in the area, the Centers may require an extension of state funding if they are continued in January. Commissioner Thomas referenced what he believed to be a Legislative Audit Council finding regarding these HASCI Drop-In Centers. Staff will work with Commissioner Thomas to research the finding to make sure we are addressing all possibilities for those with spinal cord injuries. Commissioner Malphrus has requested another three-month update. (Attachment F)

New Business

A. Case Management Services Solicitation

Ms. Manos informed the Commission that the Agency is experiencing access problems in case management, particularly around consumers who are in extreme crisis (i.e., consumers being dropped off at the hospital and being left there; people that have no place to live, etc.). This Solicitation asks for current case management providers who are in good standing and who have a high score to submit a proposal to carry a caseload of no more

than 15 people per region. Commissioner Thomas spoke about some of the consumer issues he has been faced with to include but not be limited to gaps in communication, cracks in the system, etc. Ms. Manos responded by stating that the Agency is well on its way to helping solve a lot of systemic issues through the Strategic Planning Initiative. The Agency is working hard to help with improving the service delivery for our consumers. Commissioner Thomas made a motion to approve the Solicitation for Intensive Care Coordination Services as presented; this motion was seconded by Commissioner Woodhead and unanimously approved by the Commission. (Attachment G)

B. Financial Update (Preliminary Year-End Closing)

Mr. Swygert presented the FY23 Spending Plan vs Actual as of June 30, 2023. To date, the Agency has expended \$993M, 96.05% of our approved spending plan of \$939.1M. The agency is currently 5.77% over budget. Commissioner Thomas stated that he would like the Internal Auditor on the Commission agenda every month or every other month. Commissioner Thomas made a motion to approve the Financial Update, seconded by Commissioner Woodhead. For clarity, the agency serves approximately 21,500 consumers with a total number of eligible consumers of approximately 40,000. The motion was unanimously approved by the Commission. (Attachment H)

Director's Update

Interim Director Holloway gave an update on the Agency. (Attachment I)

Chairman Miller acknowledged that Commissioner Rawlinson is not in attendance this morning due to her attending a funeral.

Executive Session

Chairman Miller announced that the Commission will go into Executive Session for the purpose of discussing a personnel matter regarding the hiring of a state director. At 11:05 AM, on a motion by Commissioner Thomas, seconded by Commissioner Malphrus, the commission voted unanimously to enter executive session.

Rise Out of Executive Session

Upon rising out of executive session at 12:14 PM, Chairman Miller announced that no motions were made, and no votes taken during executive session.

Action on Item(s) Discussed in Executive Session, if needed

Commissioner Thomas made a motion to appoint Constance Holloway as State Director of the SC Department of Disabilities and Special Needs. The motion was seconded by Commissioner Kocher. Commissioner Malphrus asked if each vote can be taken individually, as referenced in Robert's Rules of Order [the Freedom of Information Act]. Commissioner Malphrus' vote is No because he does not feel the Commission did its due diligence by [not] allowing others to apply; Commissioner Thomas voted aye; Commissioner Kocher voted aye; Commissioner Woodhead voted aye; and Commissioner Miller voted aye. Four (4) ayes and one (1) no vote; the ayes have it. Constance Holloway is the new State Director of DDSN. Commissioner Thomas congratulated Ms. Holloway and she accepted the appointment.

Commissioner Kocher announced that the SC Brain Injury Leadership Council is having an all-day meeting on Friday, July 28th.

Chairman Miller stated that it is a pleasure to have Ms. Holloway serve as the State Director of the Agency.

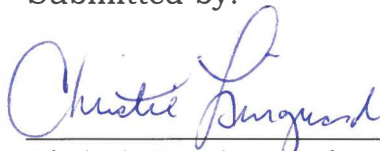
Next Regular Meeting

August 17, 2023, at 10:00 AM

Adjournment


The meeting was adjourned at 12:17 P.M.

Submitted by:



Christie D. Linguard
Executive Assistant

Approved by:



Commissioner Gary Kocher, M.D.
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**

July 20, 2023

10:00 A.M.

1. Call to Order *Chairman Ed Miller*
2. Notice of Meeting Statement *Commissioner Gary Kocher*
3. Welcome
4. Adoption of Agenda
5. Invocation *Chairman Ed Miller*
6. Approval of the June 15, 2023 Commission Meeting Minutes
7. Public Input
8. Commission Committee Business
 - Policy Committee *Committee Chair Barry Malphrus*
 - A. 100-31-DD: Provider Qualifications and Contracting
 - B. 413-11-DD: COVID-19 Vaccine Requirements and Exemptions for Staff in Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICFs/IID)
9. Old Business:
 - A. Ongoing DDSN Projects List *Commissioner David Thomas*
 - B. Head and Spinal Cord Injury (HASCI) Drop-In Centers Update *Ms. Lori Manos*
10. New Business:
 - A. Case Management Services Solicitation *Ms. Lori Manos*
 - B. Financial Update (Preliminary Year-End Closing) *Mr. Quincy Swygert*
11. Director's Update *Ms. Constance Holloway*
12. Executive Session
 - Personnel Matter – Discuss the Hiring of a State Director for SCDDSN

13. Rise Out of Executive Session
14. Action on Item(s) Discussed in Executive Session, if needed
15. Next Regular Meeting – August 17, 2023
16. Adjournment

SOUTH CAROLINA COMMISSION ON DISABILITIES AND SPECIAL NEEDS

MINUTES

June 15, 2023

The South Carolina Commission on Disabilities and Special Needs met on Thursday, June 15, 2023, 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

Gary Kocher, MD

Eddie Miller

David Thomas

Michelle Woodhead

DDSN Administrative Staff

Janet Priest, Associate State Director of Operations; Harley Davis, Ph.D., Chief Administrative Officer; Quincy Swygert, Chief Financial Officer; Courtney Crosby, Internal Audit Director; Lori Manos, Associate State Director of Policy; Carolyn Benzon, Deputy General Counsel; Greg Meetze, Chief Information Officer; Preston Southern and Jana Brown, Information Technology Division; and Christie Linguard, Executive Assistant.

Notice of Meeting Statement

Chairman Rawlinson called the meeting to order and 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 read Robin Blackwood's resignation letter into the records, and thanked Ms. Blackwood for her service on the Commission over the past years. (Attachment A)

Adoption of the Agenda

On a motion by Commissioner Thomas, seconded by Commissioner Miller, the meeting agenda was unanimously approved as written by the Commission. (Attachment B)

Invocation

Commissioner Malphrus gave the invocation.

Approval of Commission Meeting Minutes

Commissioner Thomas made a motion to approve the minutes from the May 18, 2023 regular Commission meeting; this motion was seconded by Commissioner Malphrus and unanimously approved by the Commission. (Attachment C)

Commissioners' Update

Commissioner Miller noted that many positive changes have come about because of Robin Blackwood; he thanked her for her services rendered to this Commission.

Commissioner Malphrus thanked Robin Blackwood for her services and noted that she will be vitally missed from the Commission. Commissioners Kocher and Woodhead both echoed Commissioner Malphrus' sentiments and wished Robin Blackwood well.

Chairman Rawlinson encouraged fellow Commissioners to get involved with the parent groups at the Regional Centers in their areas.

Nominations for Officers

The floor was opened to receive nominations for Chairman. Commissioner Woodhead nominated Ed Miller; there being no other nominations, by unanimous acclamation, Commissioner Miller was elected as the Chairman.

The floor was opened to receive nominations for Vice Chairman. Commissioner Miller nominated Commissioner Michelle Woodhead. Commissioner Thomas nominated Commissioner Barry Malphrus; however, Commissioner Malphrus withdrew his name. Therefore, by unanimous acclamation, Commissioner Woodhead was elected as the Vice Chairman.

Lastly, the floor was then opened to receive nominations for Secretary. Commissioner Miller nominated Commissioner Kocher. Commissioner Kocher nominated Commissioner Thomas who asked that his name be withdrawn.

Therefore, by unanimous acclamation, Commissioner Kocher was elected as Secretary.

Public Input

There was no public input.

Programs and Services

Ms. Nancy Smith, General Manager of the South Carolina State Fair (Fair), spoke to the Commission about the Sensory Friendly Morning at the Fair this year, which will be held on Thursday, October 19, 2023, from 10:00 AM – 12:00 PM. Exceptional Citizens Day will be on the same day. (Attachment D)

Policy Committee

Independent Living Skills Program Standard – Ms. Manos reminded the Commission that this Standard was added to the Intellectual Disability and Related Disabilities (ID/RD) and Head and Spinal Cord Injury (HASCI) Waivers at the last renewal. These are the Service Standards. There was one public comment from Able SC requesting that there be a limit to the provider enrollment qualification portion, which we cannot do now, because the minimum qualifications have already been outlined in the document has been already approved by the Centers for Medicare and Medicaid Services (CMS). Commissioner Thomas made a motion to approve the Service Standards as presented; this motion was seconded by Commissioner Miller. The Standards were unanimously approved by the Commission. (Attachment E)

Old Business

Ongoing Projects List Update

Chairman Rawlinson commenced by reading the ongoing list to include the answers. After reading the question and answer to the first question, Commission members felt they should have an opportunity to review. Some Commissioners asks that appropriate staff be present if any questions should come up prior to July's meeting. Commissioner Thomas made a motion to put this agenda item on next month's agenda; the motion was seconded by Commissioner Malphrus and unanimously approved by the Commission. (Attachment F).

New Business

- A. Approval for Fiscal Year 2024 Contracts Over \$200,000

Mr. Swygert called the Commission members' attention to the list of each contract and a brief description of each over \$200,000 presented for approval. Discussion was held about the Greenwood Genetics Center and who is responsible for overseeing the pass-through monies. Chairman Rawlinson suggested a representative from Greenwood Genetics be invited to a future Commission meeting to discuss the financial aspect of pass-through monies. It was noted that since Robin Blackwood has resigned from this Commission, she can no longer serve on the Greenwood Genetics Board of Directors. On a motion by Commissioner Miller, seconded by Commissioner Thomas, all contracts presented were approved as presented. (Attachment G)

B. Financial Update

Mr. Swygert presented the FY23 Spending Plan vs Actual as of May 30, 2023. To date, the Agency has expended \$902M, 96.05% of our approved spending plan of \$939.1M. The agency is currently 4.38% over budget. Commissioner Thomas made a motion to approve the Financial Update, seconded by Commissioner Miller and unanimously approved by the Commission. (Attachment H)

Chairman Rawlinson noted that this Agency will be in Governor McMaster's \$5.0 million study of state agencies.

Executive Session

Chairman Rawlinson announced that the Commission will go into Executive Session for the purpose of discussing a personnel matter regarding the hiring of a state director. At 11:16 AM, on a motion by Commissioner Thomas, seconded by Commissioner Malphrus, the commission voted unanimously to enter into executive session.

Rise Out of Executive Session

Upon rising out of executive session at 11:57 AM, Chairman Rawlinson announced that no motions were made, no decisions made, and no votes taken during executive session. She thanked everyone for all their support throughout her two years as Chairman of this Commission. She also clarified that the staff has tried to answer her questions over the last two years. Lastly, she wished the new officers the best of luck and will work to keep the Agency moving into the right direction.

Commissioners Woodhead and Miller thanked Chairman Rawlinson for her leadership. Commissioner Miller asked that we all continue to work together to serve those with disabilities and special needs.

Action on Item(s) Discussed in Executive Session, if needed

There were no action items.

Next Regular Meeting

July 20, 2023 at 10:00 AM

Adjournment

On a motion by Commissioner Miller, seconded by Commissioner Malphrus and approved by the Commission, the meeting was adjourned at 12:00 P.M.

Submitted by:

Approved by:

Christie D. Linguard
Executive Assistant

Commissioner Gary Kocher, M.D.
Secretary

Constance Holloway
Interim State Director/General Counsel
Janet Brock Priest
Associate State Director
Operations
Lori Manos
Associate State Director
Policy
Harley T. Davis, Ph.D.
Chief Administrative Officer
Quincy Swygert
Chief Financial Officer
Greg Meetze
Chief Information Officer



South Carolina
Department of Disabilities
and Special Needs

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 Columbia, South Carolina 29203
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COMMISSION
Eddie L. Miller
Chairman
Michelle Woodhead
Vice Chairman
Gary Kocher, M.D.
Secretary
Barry D. Malphrus
Stephanie M. Rawlinson
David L. Thomas

Reference Number: 100-31-DD

Title of Document: Provider Qualifications and Contracting

Date of Issue: July 20, 2023

Date of Last Revision: July 20, 2023 (NEW)

Effective Date: July 20, 2023

Applicability: DSN Boards and Contracted Service Providers

PURPOSE

The purpose of this directive is to establish the process by which The South Carolina Department of Disabilities and Special Needs (DDSN) will contract with providers to deliver necessary services and support to individuals who are eligible for the agency's services, to include Medicaid waiver services. Consistent with the agency's mission, DDSN will establish contracts with providers for services that are necessary to assist people with disabilities through choice in meeting needs, pursuing possibilities, and achieving life goals. Prior to engaging with any provider for service delivery, DDSN will evaluate the provider's ability to deliver services and support in a manner that:

- Ensures the health, safety, and well-being of those supported,
- Preserves each person's dignity and are respectfully delivered, and
- Encourages both relationships with others and personal growth.

QUALIFYING PROVIDERS

Prior to contracting with a provider for services, DDSN will evaluate the ability of each prospective provider to deliver the services in accordance with the agency's mission, all applicable DDSN Standards and Directives, and all applicable state and federal requirements. Each prospective provider will be required to submit evidence that demonstrates their ability to deliver services in the manner prescribed by the agency. The evidence to be submitted may vary based on the types of service(s) for which the prospective provider wishes to contract. For most prospective providers, the evidence to be submitted will be specified in the DDSN Provider Qualifications manual. The manual will be posted on the agency's website and a printed version will be available upon request. DDSN staff will be available to answer questions regarding qualifications but shall refrain from

providing advice or suggestions to prospective providers related to a submission. Prospective providers may submit evidence in response to the qualifications at any time. Reviews will occur throughout the year. However, at the discretion of DDSN, the occurrence of reviews may be limited to four (4) times per year, in February, May, August, and November. Providers will be notified when the review of their submitted evidence begins.

As stated previously, prospective providers must submit evidence as outlined in the manual. Upon receipt of a complete and responsive submission, DDSN will evaluate the provider's ability to deliver services in accordance with the agency's mission and applicable DDSN Standards and Directives. Reviews will be conducted by no less than two (2) DDSN staff members; one (1) staff member will have fiscal expertise and one (1) staff member with service/program expertise. A standard rubric will be utilized for review of the submissions.

Prospective providers will be notified of the outcome of the review within ten (10) business days of the completion of the review. If, upon review, a prospective provider is not approved, in addition to notification of the outcome, the steps to appeal the decision will be provided.

CONTRACTING

Contracts will be issued only for the service(s) for which the provider has been approved. Any provider wishing to contract for additional services will be required to submit evidence specific to the additional services as outlined in the application. In most cases, contracts issued will be for one (1) year with four (4) one (1) year renewal options. The maximum contract life is five (5) years.

REQUALIFYING PROVIDERS

During the last year of the five (5) year contract period, providers will be subject to a requalifying process. Qualified providers will receive information on the requalifying process directly from DDSN within that time frame.

Eddie L. Miller, Chairman

Michelle Woodhead, Vice-Chairman

PROPOSED TO MARK OBSOLETE

Attachment D

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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COMMISSION
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Vice Chairman
Robin B. Blackwood
Secretary
Gary Kocher, M.D.
Eddie L. Miller
David L. Thomas
Michelle Woodhead

Reference Number: 413-11-DD

Title of Document: COVID-19 Vaccine Requirements and Exemptions for Staff in Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICFs/IID)

Date of Issue: February 14, 2022

Date of Last Revision: March 8, 2022 (REVISED)

Effective Date: March 8, 2022

Applicability: DDSN Regional Centers

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE SC 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.

PURPOSE

Pursuant to the Center for Medicare and Medicaid Services (CMS) Omnibus COVID-19 Health Care Staff Vaccination Interim Final Rule (IFR), the South Carolina Department of Disabilities and Special Needs (DDSN) must establish COVID-19 vaccination requirements and exemptions for staff who provide any care, treatment, or other services in Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICFs/IID). The purpose of this directive is to set forth the requirements for compliance with the CMS Omnibus COVID-19 Health Care Staff Vaccination Interim Final Rule.

STATEMENT OF POLICY

On November 5, 2021, CMS published an IFR entitled “Medicare and Medicaid Programs; Omnibus COVID-19 Health Care Staff Vaccination” revising the infection control requirements most Medicare and Medicaid certified providers and suppliers must meet to participate in the Medicare and Medicaid programs. CMS has broad statutory authority to establish health and safety regulations, which includes authority to establish vaccination requirements. ICFs/IID are a supplier type required to comply with this IFR. The COVID-19 vaccination requirements, policies and procedures required by this IFR must comply with applicable federal non-discrimination and civil rights laws and protections, including providing reasonable accommodations to individuals who are legally entitled to them because they have a disability or sincerely held religious beliefs, practices, or observations that conflict with the vaccination requirement.

The directive is based upon guidance from the Centers for Disease Control and Prevention (CDC), the Equal Employment Opportunity Commission (EEOC), and public health authorities. This directive aligns with DDSN’s commitment to providing a safe and healthy environment for the residents, employees, vendors and others who provide direct care.

This directive applies to all DDSN Regional Center employees, including full-time, part-time, temporary or temporary-grant, contractual employees, volunteers, students, interns, work-study students, and any individuals receiving an offer of employment in any of these categories. Additionally, this directive applies to all Central Office employees who interact with staff and residents of a DDSN Regional Center.

DEFINITIONS

Staff: Individuals who provide any care, treatment, or other ICF/IID services. This includes licensed practitioners, adult students, trainees, volunteers, and individuals who provide care, treatment, or other services under contract or other arrangement. Staff shall not include anyone who provides only telemedicine services or support services outside of DDSN facilities, and who do not have any direct contact with residents.

In addition, this directive applies to all DDSN Central Office and DDSN Regional Center employees, including full-time, part-time, temporary or temporary-grant, contractual employees, volunteers, students, interns, work-study students, who interact with staff and others supported by other South Carolina agencies that are covered by the CMS IFR.

COVID-19 Vaccine: (1) A vaccine licensed or authorized for emergency use by the Food and Drug Administration (FDA); (2) A vaccine listed by the World Health Organization (WHO) for emergency use that is not approved or authorized by the FDA; (3) A vaccine received during participation in a clinical trial.

Fully vaccinated: Staff who are two weeks or more from completion of their primary vaccination series for COVID-19.

Primary Vaccination Series: Refers to staff who have received a single-dose vaccine or all required doses of a multi-dose vaccine for COVID-19.

Temporarily delayed vaccination: Refers to vaccination which must be temporarily postponed, as recommended by CDC, due to clinical precautions and considerations including, but not limited to, individuals with acute illness secondary to COVID-19, or individuals who received monoclonal antibodies or convalescent plasma for COVID-19 treatment in the last 90 days.

Exemptions: Refers to medical and non-medical conditions, including sincerely held religious beliefs.

Clinical contraindication: Refers to conditions or risks that precludes the administration of a treatment or intervention with regard to recognized clinical contraindications to receiving a COVID-19 vaccine.

Good Faith Effort: Refers to aggressive steps toward achieving compliance with staff vaccination requirements and/or has limited access to COVID-19 vaccine, and has documented attempts to access the vaccine.

DIRECTIVE

A. General Provisions

All ICFs/IIDs are required to achieve a 100% vaccination rate for their staff through the development of a policy to address vaccination applicable to all staff who provide any care, treatment, or other settings where ICF/IID services are delivered. An employee is considered to be “fully vaccinated” two weeks after the receipt of either the single dose or two-dose vaccine series.

Employees who fail to achieve the status of “fully vaccinated” and those who do not qualify for an exemption shall be required to participate in a consultation with the South Carolina Department of Disabilities and Special Needs Division of Human Resources (DDSN-HR). DDSN-HR shall meet with the employee to provide informational resources regarding the COVID-19 vaccine. If non-compliance persists, the employee may be subject to disciplinary actions, up to and including termination.

Individuals receiving offers of employment with DDSN must comply with this directive prior to the start of employment. These individuals shall provide proof of completed authorized vaccination or proof of DDSN vaccine exemption approval. Individuals who do not comply with this directive prior to employment may have their offers rescinded.

DDSN offers vaccination at each of our state operated ICFs/IID or DDSN Regional Centers. DDSN-HR will maintain an accurate list of locations where employees may receive the COVID-19 vaccine should they choose to be vaccinated offsite. This list can be found by visiting the Department of Health and Environmental Control (DHEC) [vaccine locator](#). Verification of vaccination must be presented to DDSN-HR. Examples of acceptable forms of vaccination include:

- CDC COVID-19 vaccination record card (or a legible photo of the card),
- Documentation of vaccination from a health care provider or electronic health record, or
- State immunization information system record.

If vaccinated outside of the United States, a reasonable equivalent of any of the previous examples would suffice.

B. Request for Vaccine Exemption and Accommodation

To assist any employee who has either: (1) an underlying medical condition or disability that does not allow for the administration of the COVID-19 vaccine; or (2) an objection based on a sincerely held religious belief, practice or observance, DDSN-HR will work with the employee to determine if a reasonable accommodation can be provided, so long as it does not create an undue hardship for DDSN or does not pose substantial harm to the health or safety of other employees or consumers.

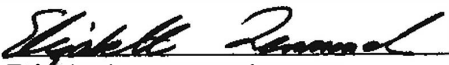
To request a vaccine exemption, employees shall complete one of the attached forms. Employees shall complete the form that applies and then email it to Covid-19ExemptionRequest@ddsn.sc.gov, or return it to DDSN-HR, along with any supporting documents. All employees requesting an exemption are encouraged to submit requests as soon as possible.

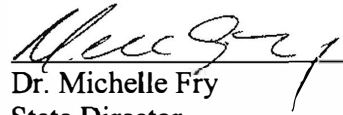
While accommodations could be appropriate under certain limited circumstances, no accommodation will be provided to staff that is not legally required.

Falsification of vaccination records and/or exemption documentation may result in disciplinary action up to and including termination. Current employees must be in compliance with this directive within 45 days of implementation. Failure to comply may result in a disciplinary action according to the DDSN Directive 413-01-DD: Standards of Disciplinary Action.

C. Procedures for Mitigating the Spread of COVID-19

In an effort to mitigate the spread of COVID-19, when approved for an exemption or accommodation by DDSN, the procedures which must be followed by approved, unvaccinated staff are outlined in Attachment 3 of this document.


Elizabeth Lemmond
Director-Human Resources


Dr. Michelle Fry
State Director

- Attachment 1: Request for a Medical Exemption to the COVID-19 Vaccination
- Attachment 2: Request for a Religious Exemption to the COVID-19 Vaccination
- Attachment 3: Procedures for Mitigating the Spread of COVID-19

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SCDDSN Ongoing Projects

1. **HCBS Settings Regulation**

The Home and Community-Based Services (HCBS) Settings Regulation implementation has been underway for a number of years.

Have we reached 100% compliance in all settings in South Carolina (SC) where HCBS are delivered, including DDSN-supported residential and day services settings?

2. **Conflict-Free Case Management in HCBS Settings**

Regulation requires Case Managers to be conflict free by 12/31/23, with a transition benchmark of 50% transition by 12/31/22 and 100% by 12/31/23.

Is SCDDSN is on track to meet the 100% benchmark by December 31, 2023?

3. **Waiver Enrollment and State Level Case Management**

In FY2022, three state level case managers were hired with plans to hire additional five in FY2023.

Have we hired the additional staff?

When will the new enrollment system be in place and when will the commission learn about this new process?

4. **Person-Centered Thinking Training and Learning Management System (LMS) contractual and procurement processes were initiated in FY2022**

Has full LMS implementation started in FY2023?

5. **Information Technology**

Technology Refresh:

In 2022, DDSN performed assessments on all technology infrastructure.

Is DDSN is staying current and compliant with industry standards and information security requirements?

Automation:

In 2022, DDSN was working to improve its office automation efforts. IT was working with various departments to help automate manual processes.

Where are we in this process?

Digitizing:

In 2022, DDSN was working to expand its Electronic Document Management System capabilities. IT was working through the discovery process to determine the needs of the various DDSN departments.

Where are we in this process?

Website Redevelopment:

In 2022, DDSN was engaged in a website redevelopment project that would modernize DDSN's web presence.

Where are we in this process?

Contract Management System:

In 2022, DDSN was working to implement an electronic contract management system.

Is this process in place and how is it working?

Endpoint protection:

In 2022, DDSN security and IT teams implemented Microsoft Endpoint Protection.

Is this working?

6. **Apprenticeship SC and Direct Support Professional (DSP) Career Ladder Program at DDSN started in 2022**

Is this program up & running? Is it working? What are the outcomes?

7. In 2022, DDSN overhauled pay structure for DSPs in coordination with the division of State Human Resources in the SC Department of Administration. The goal was to address recruitment and retention of DSPs at DDSN Regional centers by providing DSPs additional career advancement opportunities and the chance to earn greater pay.

What are the stats on this change?

8. **Interdisciplinary Technical Advisory Committee (ITAC)**

Is this working?

9. Restoration of Positive Behavior Supports Training with University of SC (UofSC) Center for Disability Resources (CDR). DDSN renewed the contract for provision of this training in 2022.

What have been the benefits to the service delivery system under this training based on our reports?

10. Corrective Action Plan (CAP) Process for Identified Material Deficiencies. This process was supposed to allow DDSN to assess provider accountability and better protect those that we serve.

How is this working?

11. **Autism Strategic Planning**

In 2022 DDSN was working with partner agencies, including SC DHHS, the SC Department of Mental Health, and the SC Department of Social Services, to develop a state level autism strategic plan to ensure individuals with autism spectrum disorder have timely evaluations and eligibility determinations, and that early intervention and other services are available and accessible.

Is this plan complete and if so when will it be presented to the commission?

12. **Crisis Stabilization and Dually Diagnosed Individuals**

Where are we on our Crisis stabilization facilities? When will they open?

13. **Council on Quality and Leadership CQL and Post-Payment Claims Review**

DDSN engaged CQL in 2022 and implemented The Basic Assurances® process as a way to require providers to improve the quality of services delivered over time. The goal was to allow DDSN to move from compliance to quality.

How is this process moving forward?

Where are we in the implementation of this?

14. **Post-Payment Claims Review**

In 2023, DDSN was to implement a post-payment claims review process in coordination with SC DHHS. The post-payment claims review process would require review of a subset of service-specific indicators, to include verification of eligibility, inclusion of proper authorizations, evidence of service planning, and evidence of service delivery.

Have we started this?

How is it going?

15. **DDSN-Owned Properties and Deferred Maintenance at Regional Centers**

As part of Proviso 36.6, which went into effect 7/1/22, DDSN prioritized deferred maintenance at DDSN-owned properties across the state. An agency directive was modified that outlines the process for providers occupying these properties to complete these deferred projects, and

this directive is currently in effect. In addition, DDSN is ensuring deferred maintenance at Regional Centers is completed, including painting, roof replacements, bathroom upgrades, and purchase of new furniture, mattresses and other supplies for residents and staff of Regional Centers.

Where is SCDDSN at in compliance process?

What % of the work is completed?

16. **Risk Assessment and Mitigation Strategies**

In 2022, the biggest risk to services provided by DDSN in SC is the shortage of providers willing to serve individuals with ID/RD and related disabilities, head and spinal cord injury, and autism spectrum disorder, especially those that have high behavioral needs and/or additional mental health diagnoses. In order to best mitigate this identified risk, DDSN recommended:

Rate increases for human service providers that will help with recruitment efforts in the current labor market

Solution-based interagency collaborations to ensure these individuals have access to all available services provided by these agencies, as this is their right, and

Data sharing across agencies who share service populations, which can be strengthened with legislative mandates.

Hiring a provider recruiter to recruit new providers to SC.

Have we addressed all of these areas?

If not, what are the agencies plans to do so?

17. **Zero Tolerance for Abuse & Neglect**

The commission adopted a zero-tolerance policy for abuse and neglect in our regional centers. ANE reports resulting in arrest is down from 12 to 4 this year. That's good! ANE reports with admin findings is up from 43 to 60 this year. This is concerning.

Why do we think this number is up when we are offering additional training and have a zero-tolerance policy?

Obviously, ANE with an arrest result in employee dismissal.

What are the employee consequences for admin findings?

18. **DHHS Audit of DDSN Waivers is taking place**

What kind of audit is this?

19. Cameras in Regional Centers.

Did DDSN add additional cameras in facilities?

Did DDSN add cameras to the exteriors of facilities?

How long does DDSN hold recordings now with no incident?

How long does DDSN hold recordings of reported incidents?

How long does DDSN hold recordings of incidents with administrative findings?

How long does DDSN hold recordings of incidents with criminal findings?

20. **Tech First State Status**

The commission voted to have DDSN assist the providers association's efforts to make SC a tech first state.

Where does this process stand?

What are the next steps?

Updated Briefing: Drop-in Center Reporting and Funding Reduction Recommendations**July 2023****Statement of Issue:**

Four Head and Spinal Cord Injury (HASCI) Drop-In Centers were developed across the state (Charleston, Columbia, Horry, Greenville) to provide people with brain or spinal cord injury (particularly brain injury) a place to go several hours each week, on a regular or occasional basis, with some limited onsite assistance, supervision and instruction. Focused activities related to self-improvement and independent living skills were provided through a State Plan Medicaid service referred to as Rehabilitation Supports. The drop-in services also provided opportunities for social networking and participation in individual and group recreational activities, both onsite and in the community.

The centers were developed in 2003 as part of a HRSA grant received by DDSN and were meant to expand and improve services for people with brain and spinal cord injury. The number of individuals served through the HASCI Division is far smaller than those served through the ID/RD Division, therefore assistance in the way of state funding was provided to stand these centers up and contribute to their continuance. Funding from the delivery of Rehabilitation Support Services further contributed to the centers' ability to operate.

A 2019 review of the Head and Spinal Cord Injury (HASCI) Drop-in Centers revealed inconsistent operations which were not a cost-effective use of DDSN state funding. This, coupled with the fact that DDSN's contract with SC DHHS for the provision of HASCI Rehabilitation Supports was terminated as a result of changes to service requirements, led to a need for the service providers to transition to the provision of HASCI Waiver Day Services and to develop self-sufficiency.

Background:

As former Rehabilitation Support (RS) providers transitioned from the provision of RS services to waiver funded day program services, the expectation of provider self-sufficiency and weaning from current grant funding was set. To assist in the development of a plan to titrate downward the established grant funding, DDSN began providing monthly reports in September of FY 2021 containing the number of billed units and individuals served to former RS providers. The function of the reports was to allow each provider to evaluate its progress and make the necessary changes to become self-sufficient.

Relevant Information:

In January of 2023, the Commission voted to continue funding the centers at the previously approved amount of \$28,000 per quarter, per center (\$112,000/quarter). Approval of the funding was granted for one year, with an update to the Commission provided six months from the initial approval date.

Points for Consideration:

- COVID-19 erupted just as the centers were beginning to transition from the provision of Rehabilitation Supports to the provision of waiver funded day services.
- Since January of 2023, data from received from the four providers shows that the previous gains in the number of individuals served and units billed have been maintained by three of the four centers. One center's numbers have declined significantly, the others have maintained but not shown much in the way of increased number of individuals served or units billed.

- The current total number of HASCI Waiver participants is about 1,037, while the current total number of ID/RD Waiver participants is 8,639. The HASCI Waiver does not have as many participants to draw from for the provision of day services, therefore, these programs are always going to be smaller. However, the service is important to those currently receiving it.
- At the time of the Commissions' vote to maintain center funding in January, a new HASCI Waiver service, Independent Living Skills had been added to the waiver. The addition of this service was expected to assist providers to attract additional participants and generate additional funding for the centers. The service standards have been developed and were approved in the June 2023 Commission Meeting. A provider qualification process is now being developed and providers will be onboarded in the coming months.



South Carolina Department of Disabilities and Special Needs Solicitation for Intensive Care Coordination Services

There is an immediate need for Case Management services for DDSN-eligible individuals with complex needs as determined by the DDSN. These individuals will be authorized by DDSN to receive Case Management services for a limited time period. Examples of complex needs include, but are not limited to, those with justice system involvement, those requiring intervention from multiple state agencies (ex. DSS, DMH, etc.), or those on social hold status in a hospital with limited or no discharge options.

To fulfill this immediate need, DDSN is seeking proposals from qualified Case Management providers that have demonstrated the ability to deliver quality Case Management Services.

The preferred start date for the delivery of Case Management services is September 1, 2023, or sooner.

As a condition of funding provided by DDSN, the provider must accept authorization (no reject) for Case Management services for those people stipulated by DDSN and must agree to support those people (no eject) until the individual's situation is stabilized (as determined by DDSN), or Case Management services are delivered by a newly selected provider.

In addition, a provider must be able to provide services throughout at least one (1) of the four (4) regions of South Carolina. Those regions and associated counties are listed below:

1. **Midlands:** Aiken, Chester, Edgefield, Fairfield, Kershaw, Lancaster, Lexington, Newberry, Richland, Saluda, York
2. **Low Country:** Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Colleton, Dorchester, Hampton, Jasper, Orangeburg
3. **Pee Dee:** Chesterfield, Clarendon, Darlington, Dillon, Florence, Georgetown, Horry, Lee, Marion, Marlboro, Sumter, Williamsburg
4. **Upstate:** Abbeville, Anderson, Cherokee, Greenville, Greenwood, Laurens, McCormick, Oconee, Pickens, Spartanburg, Union

The Case Management provider will be expected to have one (or more) case managers designated to deliver services in response to this solicitation. Each case manager will have a caseload comprised solely of complex cases and will have no more than fifteen (15) people on his/her caseload at one time. In addition, weekly contact with the individual is required, with supporting documentation entered in Therap within five (5) business days of occurrence.



South Carolina Department of Disabilities and Special Needs Solicitation for Intensive Care Coordination Services

Proposals must include:

- A completed “Notice of Intent/Response to Solicitation” form (attached).
- The region(s) of the state in which services will be provided.
- Information regarding the number of complex caseloads (one caseload =15 individuals) the provider intends to support.
- The financial support needed from DDSN to deliver services by the preferred start date with associated justification. Please include a proposed budget that itemizes costs and specifically indicates the costs for which financial support from DDSN would be required.
 - Please note that financial support cannot include any services that are billable as part of Medicaid Targeted Case Management (MTCM), Waiver Case Management (WCM) or State Funded Case Management (SFCM).
- A timeline for service start.
- Acknowledgment of the conditions applied to DDSN funding.

Proposals must be submitted on or before **August 25, 2023**. Proposals should be submitted by email to Dr. Harley Davis at **harley.davis@ddsn.sc.gov**. Questions may also be directed to Dr. Davis.

Proposals should be clear and well-organized. All proposals will be evaluated based on the following:

- Reasonableness of itemized budget and financial need including the total budget amount.
- Leadership and recent performance in areas of Case Management services compliance and Administrative Agency compliance.
- Ability to serve individuals with complex needs across one or more regions of South Carolina.
- Timeliness of implementation.



**South Carolina Department of Disabilities and Special Needs
Solicitation for Intensive Care Coordination Services**

**Notice of Intent/ Response to Solicitation for Case Management Services
for Individuals with Complex Needs**

Provider Agency Name:		
Point of Contact:		
Email:		
Phone Number:		
Office Address:		
Regarding your agency, please respond to each question below.		
Does your agency have a current contract with DDSN, indicating eligibility to bill for Case Management services?	Yes	No
Has your agency received a Notice of Material Deficiencies or other Contract Enforcement Action in the past 12 months?	Yes	No
Has your agency maintained a minimum of 90% compliance for Case Management Staff qualifications and Administrative Compliance Reviews over the past 18 months?	Yes	No
Does your agency agree to require the complex case manager and one alternate to participate in the required DDSN developed training for the delivery of this service?	Yes	No
Does your agency agree to identify a supervisory staff member to be credentialed as a Person-Centered Thinking (PCT) Coach through IntellectAbility? This will be arranged and funded by DDSN.	Yes	No
Does your agency agree to participate in regular staffings with DDSN regarding the status of those approved for complex case management?	Yes	No
Is your agency able to serve all counties within at least one (1) of the four (4) regions in South Carolina identified above?	Yes	No

The undersigned party has the authority to submit this Notice of Intent/Response to Solicitation and a proposal on behalf of _____ and attests that responses are true and accurate.

Signature

Date

FY 23 Spending Plan VS Actual Expenditures - thru 6/30/2023 (Preliminary)

Category	Approved 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	\$ 939,135,153	\$ 324,375,884	\$ 668,931,364	\$ 993,307,247	\$ (54,172,094)	REASONABLE
Percent of total spending plan remaining	100.00%	34.54%	71.23%	105.77%	-5.77%	
% of FY Remaining					0.00%	
Difference % - over (under) budgeted expenditures					5.77%	

Methodology & Report Owner: DDSN Budget Division

**Monthly Commission Meeting
Update for Commissioners
Constance Holloway**

- Good morning, everyone. Thank you for giving me a few moments to talk about the exciting things we've been doing.
- Starting this month, we began asking one regional center per month to nominate 1-2 employees for recognition. This month, Coastal Center has nominated Suparna Misra and Kellye Combs.
- Suparna is a Nutritionist IV and has been at Coastal for six years. She ensures residents receive the proper nutrition, maintain healthy diets, and educates them about the right choices. She is described as a compassionate leader and invaluable member of the Coastal team.
- Kellye is a therapist aid and has been at Coastal for two years. She works with occupational and physical therapists to make sure our residents are getting quality care and she also transports residents to their campus activities. She is described as a creative, selfless member of the Coastal team. We appreciate both of these great staffers for what they do at Coastal.
- Next, I'd like to delve into some agency updates, as well as some of the fun and exciting things we've been doing.
- Susan Davis and Becky Peters have been doing amazing work with our Employment and Day Services programs. They've been holding employment training sessions with providers, so those who take the training can better assist those with disabilities with finding employment.
- Additionally, this team recently attended a conference where they discussed ways to assist students with finding employment after graduating high school.
- Elsewhere, our Quality Management team participated in the FY23 National Core Indicators (NCI) in-person survey process, which wrapped up last

month. Through the survey, more than 500 interviews were completed with adults with Intellectual Disabilities receiving at least one service in addition to Case Management.

- About two-thirds of our providers have completed the survey and we are asking the rest of them to complete it ahead of the July 31 deadline.
- Data collected includes demographics, health service satisfaction, and information on outcomes, such as employment, safety and decision-making. The data is being reviewed and should be released in a report next spring.
- We also have some updates with renovation projects across our regional centers. At Midlands, we completed renovations totaling \$460,000 at the Walnut Dorm, including consumer and staff bathroom upgrades, ceiling replacement and painting, flooring replacement, and wall painting.
- At Coastal, we awarded a \$42,000 contract for weather protection window film, which can protect against a Category 3 hurricane. And at Pee Dee, we are Phase 2 of a \$69,000 fencing project which will provide an additional 3200 feet of fencing on the backside of the campus.
- Lastly, at Whitten, consumer bathroom renovations started last month under an \$87,000 contract and include bathtub removal, installation of a roll in shower to accommodate bathing trollies, and complete finish and fixture replacement. Also, roofing deck replacements and repairs were completed last month under a \$92,000 contract.
- Our Autism Division has also been hard at work, with director Stephanie Turner conducting trainings with various law enforcement agencies, pediatric staffs, and even with summer camp staff at the SC State Museum.
- For many of these trainings, our communications team has coordinated media invites which has resulted in a lot of positive news coverage for our agency. That includes last week's training with Columbia Police Department, in which 4 local news outlets provided coverage.

- The last thing I would like to add is that we recently named Georgetown County as this year's recipient of our Golden Palmetto Award for their dedicated service to those with disabilities They have been notified of this, and are excited to have Commissioner Rawlinson present the award to them at their General Session meeting next month.
- This is all I have for now, but I am happy to answer any questions. Thank you!