

From: [Linguard, Christie](#)
Subject: Meeting Notice - The Commission of the SCDDSN - Policy Committee Meeting - July 18, 2023
Date: Friday, July 14, 2023 10:10:35 AM
Attachments: [Policy Committee Meeting Packet - July 18 2023.pdf](#)

Everyone,

The South Carolina Commission on Disabilities and Special Needs will hold an in-person Policy Committee meeting on Tuesday, July 18, 2023, at 3:00 p.m. The Committee Meetings are held at the SC Department of Disabilities and Special Needs Central Administrative Office, 3440 Harden Street Extension, Columbia, SC. This meeting can also be viewed via a live audio stream at <https://ddsn.sc.gov>.

Please see the attached meeting material for the Policy Committee Meeting.

For further information or assistance, contact (803) 898-9769.

Thank you,

Commission of the South Carolina Department of Disabilities and Special Needs
3440 Harden Street Extension
Columbia, South Carolina

July 18, 2023

3:00 p.m.

1. Call to Order Committee Chair Barry Malphrus
2. Statement of Announcement Lori Manos on behalf of Chairman Malphrus
3. Invocation Committee Chair Barry Malphrus
4. Adoption of Agenda
5. Approval of Summary Notes from February 14, 2023 Meeting (pg. 1)
6. New Business:
 - A. 100-31-DD: Provider Qualifications and Contracting (pg. 2-3)
 - B. 406-04-DD: Criminal Record Checks and Reference Checks of Direct Caregivers (pg. 4-10)
 - C. 413-12-DD: Employee Personal Property Damage Reimbursement (pg. 11-14)
 - D. 413-11-DD: COVID-19 Vaccine Requirements and Exemptions for Staff in Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICFs/IID) (pg. 15-18)
7. Adjournment

MEETING SUMMARY OF THE POLICY COMMITTEE
Commission of the South Carolina Department of Disabilities and Special Needs
3440 Harden Street Extension
Columbia, South Carolina
February 15, 2023

**IN ATTENDANCE: Chairman, Barry Malphrus; Commissioners David Thomas, and Michelle Woodhead
Lori Manos, Erin Oehler and Colleen Honey**

1. Adoption of Agenda

Chairman Malphrus requested committee members to adopt the agenda.

As there were no objections, agenda was adopted.

2. Approval of Summary Notes from the November 8, 2022 Meeting

Chairman Malphrus requested committee members to adopt the summary notes.

As there were no objections, the summary notes from the November 8, 2022 meeting were adopted.

3. New Business:

A. 734-01-DD: Individual and Family Support and Respite – State Funding

Staff presented to the Committee for approval to post for external review. The Chairman requested a change to one of the attachments. As there were no objections, the directive will be posted for public comment (10-day review) and will be presented at the next Policy meeting.

B. 738-01-DD: Discharge Planning for those leaving an Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID) and Enrolling in a Home and Community-Based Services (HCBS) Waiver Program

Staff presented to the Committee for approval to post for external review. The Chairman requested a change. As there were no objections, the directive will be posted for public comment (10-day review) and will be presented at the next Policy meeting.

4. Adjournment

The next meeting will take place on March 14, 2023.

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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Michelle Woodhead
Vice Chairman
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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

Commented [HC1]: Ralph Courtney – Aiken DSN Board

This directive appears to apply to, not only prospective providers, but also existing providers under contract with DDSN. It is unclear what occurs after the maximum 5 year contract period ends. In fact, it could be construed that an existing provider would have to apply again, rather than simply to agree to and sign any new contract that would be issued. To secure a contract after the end of the stated period and any renewals, will DSN Boards and other Contracted Service Providers need to submit new applications with evidence of their ability to deliver services in the manner prescribed by DDSN? It would seem that, through reviews such as those done by Alliant, Internal Audit, independent auditors, incident reporting, etc., and information available through Therap, submitting such evidence again would not be required for a decision to be made on whether to continue to contract with an entity. Clarification on this matter would be appreciated. The addition of one or two sentences could probably alleviate any confusion on the process to be employed for subsequent contracting periods.

DDSN REPLY:

DDSN has added a new section in response to this comment for additional clarification.

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

Reference Number: 406-04-DD

Title of Document: Criminal Record Checks and Reference Checks of Direct Caregivers

Date of Issue: February 23, 2006

~~Last Review Date: January 18, 2017~~

Date of Last Revision: ~~January 18, 2017~~ XXXX, 2023 (REVISED)

Effective Date: ~~February 23, 2006~~ XXXX, 2023

Applicability: DDSN Residential Centers, DDSN Autism Division, DSN Boards and Contracted Service Providers

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.

I. POLICY

Reference checks of previous employment, criminal background, DSS Child Abuse and Neglect Central Registry, and CMS “List of Excluded Individuals and Entities (LEIE),” are required for all prospective employees who meet the definition of direct caregiver staff as defined in S.C. Code Ann. § 44-7-2910 (B)(2) (~~Supp. 2016~~2018). This applies also to members of the Community Training Home I (CTH-I) caregiver household who are 18 years of age and older. Volunteers and interns who act in the place of regular staff must also undergo the same checks. Volunteers that only assist regular staff with occasional~~ly~~ events do not require background

checks. If at any time, a ~~provider agency~~ Contracted Service Provider determines the DSS Central Registry or LEIE documentation cannot be located in the employee's file, a new search must be conducted.

All prospective employees ~~who cannot establish South Carolina residency for the 12 months preceding the date of the employment application and/or those who will work with children under age 18, of DDSN and Contracted Service Providers~~ will be required to undergo a national federal fingerprint based criminal background check.

In accordance with 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~~ 534-04-DD: Incident Management Reporting, no person is eligible for employment with DDSN or a Contracted Service Provider if he/she has a history of substantiated child abuse or neglect or has been convicted of one of the crimes listed in S.C. Code Ann. § 63-7-2350 (Supp. ~~2016~~ 2022). Namely, one who has "pled guilty or "nolo contendere" or who has been convicted of one of the following offenses:

- "Offense Against the Person" as provided for in Title 16, Chapter 3;
- "Offense Against Morality or Decency" as provided for in Title 16, Chapter 15;
- "Contributing to the delinquency of a minor" as provided for in S. C. Code Ann. § 16-17-490 (Supp. 2022);
- The common law offense of "Assault and Battery of a High and Aggravated Nature" when the Victim was a person 17 years of age or younger;
- "Criminal Domestic Violence" as defined in S.C. Code Ann. § 16-25-20 (Supp. 2022);
- "Criminal Domestic Violence of a High and Aggravated Nature" as defined in S.C. Code Ann. § 16-25-65 (Supp. 2022);
- "A felony drug-related offense under the laws of the State of South Carolina;" or are
- "A person who has been convicted of a criminal offense similar in nature to a crime above when the crime was committed in another jurisdiction or under federal law."

In addition to the disqualifying offenses listed above, DDSN reserves the right to deny employment with DDSN or a Contracted Service Provider if an applicant's criminal history is determined by DDSN to place DDSN's consumers at an increased risk for abuse, neglect, or exploitation.

II. PROCEDURES

A. Reference Checks of Previous Employment

1. All previous employment reference checks for prospective employees must be made in writing, received and completed no earlier than 45 days prior to an offer of employment.

In instances where prospective employees indicate that the current employer is not to be contacted, an employment offer shall be made contingent upon receipt of a written satisfactory employment reference.

2. According to S.C. Code Ann. § 41-1-65(c)(Supp. ~~2016~~2021), unless otherwise provided by law, “an employer who responds in writing to a written request concerning a current employee or former employee from a prospective employer of that employee, shall be immune from civil liability for disclosure of the following information to which an employee or former employee may have access.”

Upon written request by a prospective employer, the following information may be released on a current or former employee:

- Written employee evaluations;
- Official personnel notices that formally record the reasons for separation if applicable;
- Whether the employee was voluntarily or involuntarily released from service and the reason for the separation if applicable; and
- Information about job performance.

This protection and immunity shall not apply where an employer knowingly or recklessly releases or discloses false information.

All DDSN Regional Centers, as well as Residential and Day Services Contracted Service Providers shall use the attached Service Letter form (Attachment A) as the written request for prior employment information for employees who are current or former employees of DDSN or a DDSN Contracted Service Provider. DDSN Regional Centers and Contracted Service Providers must respond in writing to a written request from another Contracted Service Provider or DDSN Regional Center within ten (10) business days of receipt of the request.

3. If a DDSN Regional Center or Contracted Service Provider does not respond to the written Service Letter request, sanctions may be imposed for failing to follow policy. However, the prospective employer may make an offer of employment, if all other requirements for employment are met except for the receipt of the Service Letter from prior DDSN Contracted Service Providers.
4. To further protect employers from liability for disclosure of information as outlined in S.C. Code Ann. § 41-1-65(c)(Supp. ~~2016~~2021) and to facilitate compliance with Service Letter completion, DDSN encourages Contracted Service Providers to obtain written consent of the applicant to gather previous employment information by including the following text on every Criminal Record Check and Reference Check document that will be sought:

“Authority to Release Information: By my signature, I consent to the release of information to authorized officers, agents, and employees of the State of South

Carolina and its contracted service providers, which may include, but not be limited to information concerning my past and present work; including my official personnel files; attendance records, evaluations, education records including transcripts, military service, law enforcement records; and any personnel record deemed necessary. In addition, I consent to authorize appropriate officers, agents, and employees of the State and its contracted service providers to make inquiries of third parties. I further release the organization, educational entity, present and former employers, law enforcement organizations, and all third parties from any and all claim of whatever nature that I may have as a result of any inquiry or response given to such inquiries made in connection with my application for employment.”

B. Reference Checks of Criminal Records

In accordance with S.C. Code Ann. § 44-7-2910 (Supp. ~~2016~~2018), DDSN requires all direct care entities (i.e., a provider of a residential or a day program operated or contracted for operation by DDSN) to conduct criminal records checks prior to employing, or contracting with, a direct caregiver. For the purposes of this directive, a “direct caregiver” is defined as:

- A Registered Nurse (RN), a Licensed Practical Nurse (LPN), or a Certified Nurse Assistant (CNA);
- Any other licensed professional employed by, or contracting with, a direct care entity who provides to patients or clients or consumers, direct care or services, and includes, ~~(but is not limited to),~~ a physical therapist, a speech therapist, an occupational therapist, or a respiratory care therapist. ~~;(A licensed professional may provide evidence of a criminal records check in lieu of a new records check to be completed by the direct care entity.)~~
- A person who is not licensed, but provides physical assistance, support or care to a patient, client, or consumer being served by a direct care entity;
- A person employed by, or under contract with, a direct care entity who works within any home, or location in which patients, clients or consumers reside or spend the work day;
- A person employed by, or under contract with, a direct care entity whose duties include the possibility of patient, client or consumer contact.

The South Carolina Department of Health and Environmental Control (DHEC) defines a direct caregiver as “anyone who is paid or who has a written contract with a direct care entity to provide hands-on care to a resident or client.” In addition to the definitions included in law and by DHEC, DDSN clarifies that a direct caregiver includes behavior support providers, Early Intensive Behavioral Intervention (EIBI) providers and Early Intervention (EI) providers.

Proof of Residency:

~~The direct caregiver applicant shall provide verification of residency for the 12 months preceding the date of the employment application. The provider shall conduct a state criminal record check if the applicant has resided in South Carolina during that 12-month period with evidence verified by the provider. Residency can be verified through:~~

- ~~• A driver's license issued by the State of South Carolina;~~
- ~~• Rent, mortgage or utility receipts in the applicant's name from a home within South Carolina;~~
- ~~• Pay stubs in the applicant's name from a business located in South Carolina; or~~
- ~~• Bank records in the applicant's name showing a deposit or checking account held in a South Carolina bank or credit union.~~

State Criminal Record Check:

~~Those direct care applicants who are able to verify South Carolina residency as described above shall undergo a name based criminal background check using the person's name, aliases, date of birth, social security number, etc., that is conducted through the South Carolina State Law Enforcement Division's (SLED) website: www.sled.sc.gov/default.aspx?MenuID=Home. Results of this SLED criminal record check are sent directly to and maintained by the requesting potential employer. A copy of such shall be included in applicant's file.~~

Federal Criminal Record Checks:

~~A direct care applicant who is unable to verify South Carolina residency as described above, or who will be expected to work directly with children, newborn to 18 years old, shall submit to a Federal Criminal Record Check conducted by the Federal Bureau of Investigation (FBI) prior to employment. The results will include any applicable state law enforcement agency results and the FBI database information. The Federal Criminal Record Check shall be conducted via an electronic fingerprint scan. No other type of criminal background check can be substituted for an FBI database check when a Federal background check is required.~~

- ~~• To conduct a Federal Criminal Record Check, the potential employer will need to schedule the applicant for an electronic fingerprint scan with IdentoGo by MorphoTrust USA via the website: <https://www.ibtfingerprint.com/state/?st=sc>. Appointments can also be made by phone at 1-866-254-2366. Employers are encouraged to schedule appointments online. Select "South Carolina" and enter the direct caregiver's first and last name. The employer address must be provided as follows: DDSN – (Employer's Organization Name) – 3440 Harden Street Ext., Columbia, SC 29203. By Federal law, DDSN is considered the "direct care entity" and therefore, all results of FBI Federal Criminal Record checks will be returned to DDSN.~~
- ~~• When completing the online forms, users will need to select "DHEC: Employee working in a Disabilities & Special Needs Facility Employee ORI-SCDHEC03Z." That designation will direct the results to DDSN. If users check "In-Home Care Provider any other designation," their results will arrive in another division at DHEC and may not be forwarded to DDSN for processing.~~

- If the employer is not able to call or schedule the appointment online, the Direct Caregiver Application for Electronic Scan form (Attachment B) will need to be completed. A copy of the form should be given to the applicant to take with him/her to the IdentGo scanning center. Instructions for completing the form are included within the attachment. Please note that all Federal background checkCriminal Record Check results will be sent to DDSN, Central Office. DDSN is prohibited by Federal Law from forwarding FBI-Federal Criminal Record Check results; however, DDSN is permitted to forward South Carolina Law Enforcement Division (SLED) Criminal Record Check results.
- The fee for a fingerprint scan is \$51.50 for potential employees or \$45.25 for volunteers. Payment can be made online when scheduling appointments, by credit/debit card or direct withdrawal from a bank account. The option to pay at the time of the appointment with a business check or money order payable to IdentGo by MorphoTrust USA is also available.
- Onsite scanning via a mobile unit is available for a minimum of 30 persons. Reservations must be made two (2) weeks in advance by calling 1-866-254-2366 or by sending the request to the following email address: statemobileservices@morphotrust.com.

While an applicant is in the process of undergoing a Federal Criminal Record Check, DDSN or Contracted Service Providers may conduct a name-based criminal background check using the applicant's name, aliases, date of birth, social security number, etc., through SLED's website: www.sled.sc.gov/default.aspx?MenuID=Home. Results of this SLED Criminal Record Check are sent directly to and maintained by the requesting potential employer. A copy of such shall be included in applicant's file. It is noted that the SLED Criminal Record Check is not meant to be a substitute for the Federal Criminal Record Check, but only act as a supplemental document.

Results of Checks, Security, and Retention of Results:

- FBI-Federal Criminal BackgroundRecord Checks: 28 CFR § 20-33 and Federal Public Law 92-544 prohibits DDSN from forwarding or disclosing the results of the Federal background checkCriminal Record Check results to any potential employer/Contracted Service Provider/DDS Regional Center. DDSN, however, is allowed to inform each ~~that the individual does or does not have a criminal conviction or has pled no contest (nolo contendere)~~. potential employer/Contracted Service Provider/DDS Regional Center that the applicant is either eligible or not eligible for employment based on the Federal Criminal Record Check. Accordingly, DDSN will provide a "Verification of Employment Eligibility" letter to each potential employer/Contracted Service Provider/DDS Regional Center. This letter shall be maintained by each potential employer/Contracted Service Provider/DDS Regional Center, and it shall be made available to DHEC or DDSN within 24 hours of a request for such records. DDSN will be responsible for maintaining actual results of the Federal Criminal Record Checks.
- State SLED checkCriminal Record Checks: Potential employers/Contracted Service Providers/DDS Regional Centers ~~may request and maintain~~ shall receive and maintain the results of the State SLED checkCriminal Record Check results in circumstances where such results are obtained.

For direct caregivers and other specified employees that were hired prior to March 2006, DDSN issued guidance on October 27, 2015, requiring Contracted Service Provider agencies to conduct a Criminal Background Check prior to December 31, 2015.

Security and Retention of Results:

- ~~• FBI: DDSN is not permitted to forward FBI results to potential employers/providers/Regional Centers; however, a “Verification of Criminal Background Check” letter will be returned. This letter must be maintained by the employer/provider/DDSN Regional Center, and it shall be made available to DHEC or DDSN within two (2) hours of a request for such records. The DDSN Quality Management Division will be responsible for maintaining actual results of the FBI checks.~~
- ~~• State SLED check results will be maintained by the potential employer/provider/Regional Center.~~

Periodic Re-Checks:

The Criminal Record Check is not required to be repeated as long as the person remains employed by or continues to contract with a direct care entity; however, if a person is not employed by or is not under contract for one year or longer with a direct care entity, the Criminal Record Check must be repeated before resuming employment or contracting with a direct care entity.

- ~~• DDSN Contracted Providers and Regional Centers will be required to obtain an updated SLED Background check for each employee/contracted caregiver every three (3) years. For employees hired prior to January 1, 2014, the provider may implement a schedule to bring one half of the affected employees into compliance each year for 2017 and 2018. Results of the SLED checks must be placed in the Human Resources file. In the event conviction data are returned, the provider must address the continued employment status in accordance with the Provider’s Human Resources policies.~~

| | |
|--|--|
| Susan Kreh Beck | Beverly A.H. Buseemi, Ph.D. |
| Associate State Director Policy | State Director |
| (Originator) | (Approved) |
| <u>Eddie L. Miller</u> | <u>Michelle Woodhead</u> |
| <u>Chairman</u> | <u>Vice Chairman</u> |

To access the following attachments, please see the agency website page “Attachments to Directives” under this directive number.

Attachment A: Service Letter
Attachment B: Direct Caregiver Application for Electronic Fingerprint Scan (DHEC Form 0285)

REFERENCES:

- S.C. Code Ann. §41-1-65 (~~Supp. 2016~~2021)
- ~~534-02-DD: Procedures for Preventing and Reporting Abuse, Neglect and Exploitation~~534-04-DD: Incident Management Reporting
- US Department of Health and Human Services, Office of Inspector General’s website: <http://www.oig.hhs.gov/fraud/exclusions.asp>

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COMMISSION
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Michelle Woodhead
Vice Chairman
Gary Kocher, M.D.
Secretary
Barry D. Malphrus
Stephanie M. Rawlinson
David L. Thomas

Reference Number: 413-12-DD
Title of Document: Employee Personal Property Damage Reimbursement
Date of Issue: XX/XX/2023
Date of Last Revision: XX/XX/2023 (NEW)
Effective Date: XX/XX/2023
Applicability: All DDSN State Employees

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PURPOSE

A provision in the State Appropriations Act authorizes The South Carolina Department of Disabilities and Special Needs (DDSN) to replace personal property of an employee that has been damaged or destroyed by a person receiving services through DDSN. The replacement of personal property may be made if the loss has resulted from actions by the employee deemed to be appropriate and in the line of duty; and if the damaged or destroyed item is found to be reasonable in value and necessary for the employee to carry out the functions and duties of their employment.

POLICY

Reimbursement for replacement of damaged or destroyed items shall not exceed the limits per item as listed below, per incident. The State Director or designee shall determine whether a claim under this provision meets the necessary requirements. Nothing in the above-mentioned provision creates an entitlement in favor of the claimant. Reimbursement by DDSN is an effort to maintain employee

morale without an admission of liability. Pursuant to the statutory provision, DDSN has developed the following guidelines for reimbursement of employee claims.

GUIDELINES FOR REIMBURSEMENT

The following requirements must be met, prior to reimbursement:

- The property loss suffered by the employee must be found to have been caused by an act of a person within DDSN’s care;
- The employee must be acting within the scope of his/her duties; and
- The affected item of personal property must be reasonable in value and necessary for the employee to carry out the functions and duties of his/her employment.

REIMBURSEMENT LIMITS

Reimbursement for loss under this policy shall not exceed the cost per item, per incident as listed. These amounts shall be considered as maximum reimbursement for a particular item. Generally, a reimbursable claim is limited to the cost, cost of repair, or replacement cost whichever is less. Claims for loss which coincide with an injury to the employee may be covered under workers’ compensation provisions. All claims approved for reimbursement will be paid out of the designated budget where the employee claiming the loss is employed.

Personal property reimbursement schedule is as follows:

| ITEM | MAXIMUM ALLOWANCE |
|--------------------------|--------------------------|
| Eyewear (Glasses)* | \$150 |
| Eyewear (Glasses-Lens) | \$120 |
| Eyewear (Contact-Lenses) | \$50/lenses |
| Clothing | \$30/item |
| Jewelry | \$50 |
| Watch repair | \$50 |

VEHICLE CLAIMS

DDSN will reimburse employees for loss or damage to their vehicle while located or parked at a departmental facility. Any claims over \$250.00 must be filed through the Insurance Reserve Fund under DDSN’s General Liability Tort Coverage. A claim for reimbursement may be initiated by the employee by filing an incident report. The Regional Center Facility Administrator will then ensure the paperwork is sent to the Central Office Legal Division for processing. South Carolina law requires driver’s secure personal insurance for vehicle damage.

CLAIM PROCEDURE

A claim for reimbursement in accordance with the provisions of this directive may be initiated by filing an incident report. This report shall include, at a minimum, the following information:

- A full explanation of the incident, time and place, which caused the loss or damage to personal property;
- The name of the residents involved;

- The name of any witnesses; and
- A description of the damaged or destroyed personal property, to include pictures, receipt for replacement item or two (2) estimates of the cost of replacement or repair, as appropriate. The damaged item must be made available for evaluation.

Claims should be submitted as soon as possible after the incident. Late claims may jeopardize the investigation of the claim and reimbursement. Submission of false claims may be subject the employee to disciplinary action.

Regional Centers

The Consumer Supports Division shall immediately forward the claim to the DDSN Regional Center Facility Administrator for review and approval. Upon approval, the Facility Administrator shall submit the request to their local Finance Department for processing.

Central Office and Autism

On behalf of the employee, an Executive Management staff member shall immediately forward the claim to the Central Office Finance Department for approval and processing.

PAYMENT

A claim report, the DDSN Regional Center Facility Administrator's or Executive Management's approval, and the designated Finance Department's decision shall constitute the supporting documentation for the financial transaction, and will procure a check for the approved amount.

LIABILITY

This procedure may be changed, modified, or terminated at any time by DDSN. No rights to claimants or their successors will accrue pursuant to this provision; nor will any action taken under this provision be subject to appeal. This procedure does not in any way affect an employee's right to file a claim against DDSN or the State pursuant to the State Tort Claims Act. The sole purpose of this provision is to gratuitously address employee property damage in a fair and consistent manner.

Eddie L. Miller, Chairman

Michelle Woodhead, Vice-Chairman

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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 Employee Personal Property Damage Report

**SOUTH CAROLINA DEPARTMENT
OF DISABILITIES AND SPECIAL NEEDS**

EMPLOYEE PERSONAL PROPERTY DAMAGE REPORT

FROM (*Facility Administrator*): _____ Date: _____

Name: _____ Title: _____ Shift: _____ Work Area: _____

Address (*include zip code*): _____

Date and Time of Incident: _____

Fully Describe (*Include location, individuals and staff involved, individual's behavior, staff response, etc.*)

List Personal Items Damaged and Value of Each:

I witnessed the above incident and can verify the claim of damage to staff personal property.

Print Name of Witness: _____

Signature of Witness

AOD Statement (*Include date and time reported*):

Administrative Officer of the Day (AOD) Signature

Regional Center Facility Administrator Signature

PROPOSED TO MARK OBSOLETE

Michelle G. Fry, J.D., Ph.D.
State Director
Constance Holloway
General Counsel
Tracey Hunt
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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.

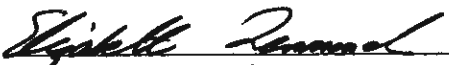
To request a vaccine exemption, employees shall complete one of the attached forms. Employees shall complete the form that applies and then email it to Covid-19ExemptionRequest@ddsn.sc.gov, or return it to DDSN-HR, along with any supporting documents. All employees requesting an exemption are encouraged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