



April 27, 2020

<https://medicaid.ncdhhs.gov/blog/2020/04/24/special-bulletin-covid-19-63-nc-innovations-and-nc-tbi-waivers-community-based>

SPECIAL BULLETIN COVID-19 #63: NC Innovations and NC TBI Waivers Community-Based Services (HCBS) Flexibilities - Retainer Payments

Friday, April 24, 2020

NC Medicaid has implemented flexibilities on how Medicaid providers and beneficiaries may access and receive Medicaid services in the wake of COVID-19. An Appendix K was approved by the Centers for Medicare & Medicaid Services (CMS) with an effective date of March 13, 2020. It will remain in effect until March 12, 2021, or until the COVID-19 pandemic is no longer a public health emergency.

Retainer payments may be made for direct care providers of services that include habilitation or personal care that are currently authorized in the Individual Support Plan (ISP). Retainer payments can not add up to more than the total number of hours per service approved in the Innovation or TBI Waiver beneficiary's ISP. Those services include:

NC Innovations Waiver

- Community Living and Supports,
- Community Networking,
- Day Supports,
- Residential Supports,
- Supported Living and
- Supported Employment.

NC TBI Waiver

- Personal Care,
- Community Networking,
- Day Supports,
- Residential Supports,
- Supported Living and
- Supported Employment.

* Retainer payments are for direct care workers to address emergency related issues and are for direct care providers who normally provide services, but are currently unable to because:

- the waiver beneficiary or family member residing with them is sick due to COVID-19. The person does not need to have a positive test, but they need to have COVID-19 symptoms.
- the waiver beneficiary or family member residing with them is sequestered and/or quarantined based on local, state, federal and/or medical requirements/orders,
- the staff member is sick or caring for a sick family member, or
- the beneficiary is at high risk for COVID-19 and staff coming into the waiver beneficiary's home needs to be limited due to safety concerns.

* Guidance around the acceptable use of retainer payments will be provided as the COVID-19 situation changes.

For NC Innovations Waiver: Staff members identified as backup staff are not eligible for retainer payments. Relatives as Direct Support Employees (RADSEs) who were providing services on or before March 13, 2020, are eligible for retainer payments. Providers must obtain LME-MCO approval of retainer payment.

- Information required for approval should be provided to the LME-MCO in the requested manner.
- Once this is obtained, a retainer agreement is implemented between the provider agency and the employee.
- That agreement must include the following statement: *"The employee who receives retainer payments will not be eligible for unemployment for the specific hours in the agreement."*

Retainer payments cannot be provided for more than 30 consecutive days, though there may be more than one 30 consecutive day period.

Providers must resume compliance with normal NC Medicaid rules and regulations as soon as they are able to do so.

Additional Resources

[NC Medicaid COVID-19 Resources website](#)

Contact

Medicaid Contact Center: 888-245-0179

Network Operation Call Center
1.888.977.2160

Direct Access to Services
1.800.913.6109