



NC DEPARTMENT OF  
**HEALTH AND  
HUMAN SERVICES**

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**LME-MCO Joint Communication Bulletin # 381**

**Date:** November 24, 2020

**To:** Local Management Entities-Managed Care Organizations (LME-MCOs)

**From:** Deb Goda, Behavioral Health Unit Manager, NC Medicaid  
Renee Rader, Assistant Director for Policy and Programs, DMH/DD/SAS

**Subject:** NC Innovations Waiver and NC TBI Waiver – Retainer Payments

On January 31, 2020, the U.S Department of Health and Human Services declared a public health emergency (PHE) in the entire United States due to a global pandemic, novel coronavirus (COVID-19). To assist in meeting the needs of North Carolina Medicaid beneficiaries participating in a home and community-based services (HCBS) waiver such as the Innovations Waiver or the TBI Waiver, an emergency planning document, known as Appendix K, was created to offer flexibilities in how HCBS are rendered during the public health emergency. That document became effective on March 13, 2020, and will expire on March 12, 2021, or the expiration of the public health emergency, whichever comes first.

Retainer payments are time-limited payments made to an essential worker who was approved to provide the below NC Innovations and TBI Waiver Services:

**Innovations Waiver:**

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

**NC DEPARTMENT OF HEALTH AND HUMAN SERVICES**

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AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

NC TBI Waiver:

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

Initially, when the emergency planning document was approved, the maximum number of times a retainer payment agreement could be executed was not clearly described. In a formal communication document (Frequently Asked Questions) provided to states in July 2020 by the Centers for Medicare and Medicaid Services (CMS), specific guidance was provided on the maximum number of times a retainer payment agreement could be executed. According to the CMS's guidelines, retainer payments may only cover 30 billable days for up to a total of three (3) separate approval periods. The approval of retainer payments may be granted in consecutive approval periods. Utilizing consecutive approval periods allows for payment to an essential worker for up to 90 consecutive billable days of the first retainer payment agreement.

Effective December 31, 2020, retainer payments will stop for staff that have either utilized or exceeded the maximum number of retainer payments. It is important to note that any payments made past the 90-day limit, prior to December 31, 2020, are not subject to recoupment. The Care Coordinator may be able to provide information about additional flexibilities approved for the NC Innovations or TBI Waiver that may help meet the needs of the beneficiary or their family.

If you have any questions, please contact the Kenneth Bausell at [Kenneth.Bausell@dhhs.nc.gov](mailto:Kenneth.Bausell@dhhs.nc.gov).

Previous bulletins can be accessed at:

[www.ncdhhs.gov/divisions/mhddsas/joint-communication-bulletins](http://www.ncdhhs.gov/divisions/mhddsas/joint-communication-bulletins)

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