



North Carolina Department of Health and Human Services
Division of Medical Assistance

Pat McCrory
Governor

Aldona Z. Wos, M.D.
Ambassador (Ret.)
Secretary DHHS

Sandra Terrell, MS, RN
Acting Director

November 21, 2013

Dear County Director of Social Services:

On June 28, 2013, North Carolina Disability Rights filed a lawsuit in Wake County Superior Court on behalf of four plaintiffs who alleged that they would be eligible for Medicaid coverage pursuant to a fully implemented Health Coverage for Workers with Disabilities (HCWD). On November 6, 2013, the judge granted the plaintiffs' motion for a preliminary injunction and ordered that the Department provide Medicaid eligibility through HCWD for two of the plaintiffs by November 14, 2013 and to assess eligibility for HCWD without regard to total countable income or CAP status beginning that date.

On November 14, 2013, the Division of Medical Assistance (DMA) issued a terminal message to the counties regarding the court order.

As of Thursday, November 14, 2013, all counties must consider eligibility for HCWD without regard to total countable income limits. For purposes of assessing HCWD eligibility, the only income limit that must be considered is the 150% FPL limit on unearned income. Individuals with countable income above 200% FPL must pay monthly premiums as well as the \$50 annual enrollment fee. Until such time as the necessary changes for NCFASST and NCTRACKS can be programmed to accommodate the required income levels and premiums, a workaround will have to be employed.

www.ncdhhs.gov • www.ncdhhs.gov/dma
Tel 919-855-4100 • Fax 919-733-6608

Location: 1985 Umstead Drive • Dorothea Dix Hospital Campus • Raleigh, NC 27603
Mailing Address: 2501 Mail Service Center • Raleigh, NC 27699-2501
An Equal Opportunity / Affirmative Action Employer



DMA will issue an Administrative Letter by mid December 2013, containing detailed instructions for processing these cases. Until the Administrative Letter is issued, do not deny or terminate any application received or redetermination begun as of November 14, 2013 where:

- The individual meets all the eligibility requirements for the HCWD program;
- The individual has unearned income below 150% of FPL; and
- The individual has any amount of total countable income above 100% of FPL (note: you can process those HCWD cases where income is at or below 200% of FPL; see DMA Administrative Letter 08-13).

In addition, the CAP status of the individual is to be disregarded. The Administrative letter will inform of the processing instructions with cases with CAP disregard. Hold these cases with CAP disregard after reviewing the processing instructions.

If you have any questions, please contact William Appel at (919) 855-4005.

Sincerely,

Sandra Terrell, MS, RN, Acting Director
Division of Medical Assistance