

July 18, 2025

PUBLIC NOTICE

Public Notice of Final Action for the Estate Recovery Undue Hardship Waiver Requirements

The South Carolina Department of Health and Human Services (SCDHHS) gives notice of the following actions regarding the estate recovery undue hardship waiver requirements under the State Plan under Title XIX of the Social Security Act Medical Assistance Program (Medicaid).

Effective on or after Aug. 1, 2025, SCDHHS will amend the South Carolina Title XIX State Plan to address the estate recovery undue hardship waiver requirements and remove the definition of a disabled child to avoid duplicative language in the State Plan. In 1993, the United States Congress passed a law requiring every state to establish a Medicaid Estate Recovery program. The purpose of this program is to recover funds paid by SCDHHS from a South Carolina Medicaid member's estate for claims related to hospice, community long term care and nursing home care. The assets of the estate must be valued at more than \$25,000 and the Medicaid claims paid must exceed \$500 for SCDHHS to be able to recoup funds.

In certain circumstances, an undue hardship waiver may be granted to individuals who meet the State Plan definition of immediate family member. This policy change will expand the undue hardship waiver requirements of the immediate family member definition to include grandchild.

Based on the actions above, SCDHHS does not anticipate a budget impact for this policy change.

Copies of this notice are available at each South Carolina Healthy Connections Medicaid county office and at www.scdhhs.gov for public review. Additional information regarding these actions is available upon request at the address cited below.

Any written comments submitted may be reviewed by the public at SCDHHS, Office of Third Party Liability, 1801 Main St., Columbia, SC, Monday through Friday between the hours of 9 a.m. and 5 p.m.

Eunice Medina
Director

Notice of Non-Discrimination

The South Carolina Department of Health and Human Services (SCDHHS) complies with applicable federal civil rights laws and does not discriminate on the basis of race, color, national origin, age, disability, or sex. SCDHHS does not exclude people or treat them differently because of race, color, national origin, age, disability, or sex.

SCDHHS provides free aids and services to people with disabilities, such as qualified sign language interpreters and written information in other formats (large print, braille, audio, accessible electronic formats, other formats). We provide free language services to people whose primary language is not English, such as qualified interpreters and information written in other languages. If you need these services, please contact the Americans with Disabilities Act (ADA)/Civil Rights Official by mail at: PO Box 8206, Columbia, SC 29202-8206, by phone at: 1-888-549-0820 (TTY: 1-888-842-3620), or by email at: civilrights@scdhhs.gov.

If you believe SCDHHS has failed to provide these services or discriminated in another way on the basis of race, color, national origin, age, disability, or sex, you can file a grievance with the Civil Rights Official using the contact information provided above. You can file a grievance in person, by mail, or via email. If you need help filing a grievance, we are available to help you.

You can also file a civil rights complaint with the U.S. Department of Health and Human Services, Office for Civil Rights, electronically through the Office for Civil Rights Complaint Portal, available at <https://ocrportal.hhs.gov/ocr/portal/lobby.jsf> or by mail or phone at: U.S. Department of Health and Human Services, 200 Independence Avenue, SW, Room 509F, HHH Building, Washington, D.C. 20201 or by phone at: 800-368- 1019, 800-537-7697 (TDD). Complaint forms are available at <http://www.hhs.gov/ocr/office/file/index.html> .