

Executive Order No. 2019-39

WHEREAS, the State of South Carolina is experiencing historic economic growth, and continued prosperity requires that businesses have access to a pipeline of prospective employees who are educated, trained, and ready to work; and

WHEREAS, employment and education are the most direct and efficient means to equip and empower individuals to both achieve and enhance social and economic independence and standing, which are associated with improved health outcomes for individuals and families; and

WHEREAS, numerous state and federal public assistance programs currently provide support to individuals seeking education and employment, including Unemployment Insurance (“UI”), Supplemental Nutrition Assistance Program (“SNAP”), Vocational Rehabilitation, and Medicaid benefits for qualified working disabled individuals; and

WHEREAS, individuals attaining employment after incarceration are less likely to reoffend than those who remain unemployed following release; and

WHEREAS, in 2018, the United States Department of Health and Human Services (“USDHHS”), Centers for Medicare and Medicaid Services (“CMS”) invited state Medicaid programs to seek waiver authority to require certain able-bodied recipients of public assistance to pursue community engagement, education, job training, or employment in order to “help such families and individuals attain or retain capability for independence or self-care” in accordance with Section 1901 of the Social Security Act; and

WHEREAS, the South Carolina Department of Health and Human Services (“SCDHHS”) is the single state agency responsible for administering the Medicaid program in South Carolina pursuant to Title XIX, Section 1902(a)(5) of the Social Security Act and section 44-6-30(1) of the South Carolina Code of Laws, as amended; and

WHEREAS, SCDHHS currently incentivizes employment by disregarding certain earned income when making eligibility determinations to ensure individuals seeking economic self-sufficiency do not lose access to health coverage while transitioning to the workforce; and

WHEREAS, SCDHHS submitted Community Engagement Section 1115 Demonstration Waivers to CMS on May 8, 2019, and the corresponding federal public comment period ended on July 10, 2019; and

WHEREAS, it is anticipated that CMS will approve SCDHHS’s Community Engagement Section 1115 Demonstration Waivers, subject to special terms and conditions, on or about December 12, 2019; and

WHEREAS, those state agencies administering companion education, training, and public assistance programs must partner with SCDHHS to ensure successful implementation of the Community Engagement Section 1115 Demonstration Waivers; and

WHEREAS, Proviso 33.15 of the Fiscal Year 2019–20 General Appropriations Act authorizes and directs SCDHHS to use individualized data available to other agencies and entities for the purposes of recertifying and enrolling individuals in the Medicaid program, which includes the use of such data to verify individual compliance with Community Engagement standards; and

WHEREAS, SCDHHS and its partner agencies must take all reasonable and necessary steps to reduce the administrative cost and individual burden of implementing Community Engagement standards within the Medicaid program.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein,

I hereby create and establish the State Community Engagement Implementation Task Force (“Task Force”), which shall be constituted and shall execute its duties and responsibilities as set forth below:

Section 1. Objectives

The Task Force shall act and serve in an advisory capacity and shall have the following objectives:

A. Coordinate the efforts of those agencies and entities necessary to implement South Carolina’s Community Engagement Section 1115 Demonstration Waivers.

B. Initiate, coordinate, and oversee efforts to establish contracts and agreements, operations, information sharing, and referral networks necessary to:

1. Support the efforts of individuals seeking Community Engagement activities, education, or employment;
2. Assist individuals with removing barriers to employment resulting from physical or mental health challenges or prior justice involvement;
3. Reduce the administrative burden of reporting for and complying with Community Engagement standards;
4. Measure the impact and effectiveness of the Community Engagement Section 1115 Demonstration Waivers.

C. Collaborate with and call upon various federal agencies—to include the United States Department of Labor, United States Department of Agriculture, Internal Revenue Service, United States Department of Education, Social Security Administration, USDHHS, and any subordinate administrations thereof—for technical assistance, data and information sharing, and funding, as practicable.

D. Monitor and meet regularly to report on the implementation and oversight of SCDHHS’s Community Engagement Section 1115 Demonstration Waivers.

Section 2. Membership

A. The Task Force shall consist of the following seven (7) members:

1. Director of SCDHHS, who shall serve as Chair of the Task Force;
2. Director of the South Carolina Department of Alcohol and Other Drug Abuse Services or designee;
3. Executive Director of the South Carolina Department of Employment and Workforce or designee;
4. Director of the South Carolina Department of Social Services or designee;
5. Director of the South Carolina Department of Revenue or designee;
6. Director of the South Carolina Department of Probation, Parole and Pardon Services or designee;
7. Director of the South Carolina Department of Corrections or designee.

B. The Chair, in consultation with the Governor, may establish, organize, and appoint one or more committees or working groups to assist the Task Force with its objectives and may invite non-members to participate, as necessary, to include individuals representing the following agencies, entities, or categories:

1. South Carolina Board of Economic Advisors;
2. South Carolina Revenue and Fiscal Affairs Office;
3. South Carolina Department of Education;
4. South Carolina Commission on Higher Education;
5. South Carolina Board of Technical and Comprehensive Education;
6. South Carolina’s representatives on the Corporation for National and Community Service;
7. South Carolina Interagency Council on Homelessness;
8. State Fiscal Accountability Authority;
9. Professional associations representing medical professions and industries;
10. South Carolina Department of Vocational Rehabilitation;
11. Able South Carolina;
12. South Carolina Department of Labor, Licensing and Regulation;
13. South Carolina Department of Health and Environmental Control;
14. South Carolina Protection and Advocacy for People with Disabilities, Inc.;
15. South Carolina Department of Disabilities and Special Needs;

16. Members of the South Carolina General Assembly;
17. Board and staff members of the state chamber of commerce or local chambers of commerce;
18. Relevant medical, research, business, community-based, and human service professionals and leaders as necessary to implement and evaluate all or part of the Community Engagement Section 1115 Demonstration Waivers.

C. As the Chair deems necessary and appropriate, the Task Force is authorized to consult with, call upon, or enlist additional individuals to advise or assist the Task Force regarding its objectives or to provide any available data, information, expertise, or resources related to the same.

D. All members of the Task Force, as well as non-members invited to serve on or assist with a committee or working group, shall serve at the pleasure of the Governor, who may alter the composition of the Task Force at any time.

E. All members of the Task Force, as well as non-members invited to serve on or assist with a committee or working group, shall serve without compensation, and any public officials shall serve *ex officio*.

Section 3. Administration

A. The Task Force shall meet and convene upon the call of the Chair. A simple majority of the members of the Task Force shall constitute a quorum for the transaction of all business of the Task Force.

B. SCDHHS shall provide staff and administrative support services and any other necessary resources to the Task Force, and all agencies or departments in the undersigned's Cabinet shall cooperate with and assist the Task Force as requested.

C. The Task Force is authorized to call upon any agency, department, division, or office of the State to provide the Task Force with data or other information or reasonable assistance in connection with this Order and the Task Force's objectives, and any such agency, department, division, or office is authorized to provide the requested data or other information or reasonable assistance to the Task Force to the extent not prohibited by law or regulation.

This Order is not intended to create, and does not create, any individual rights, privileges, or benefits, whether substantive or procedural, or enforceable at law or in equity, against the State of South Carolina or its agencies, departments, officers, employees, or any other entities or persons, to include the Task Force or any member thereof.

This Order is effective upon approval by USDHHS of SCDHHS's Community Engagement Section 1115 Demonstration Waivers and shall remain in effect unless and until superseded or rescinded.

**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF SOUTH
CAROLINA, THIS 12th DAY OF
DECEMBER, 2019.**

**HENRY MCMASTER
Governor**