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South Carolina Department of Health and Human Services
Proviso 33.16 – Carry Forward Report
August 2024

**GENERAL FUNDS
CARRY FORWARD**

Agency: Department of Health and Human Services

Fund Number: 10010000 **Fund Name:** General Fund

	<u>SFY 2023-24</u>
Beginning Balance	77,986,858
Receipts	-
Disbursement	(2,084,664,605)
Transfers	2,078,070,505
Ending Balance	<u>71,392,758</u>

SFY2024 Year to Date as of 7/29/2024

1. Cite the authorization by which the agency has the authority to carry forward the funds.

Proviso 33.16- – Carry Forward: The Department of Health and Human Services is authorized to carry forward and expend any General Fund balance and any cash balances from the prior fiscal year into the current fiscal year for any earmarked or restricted trust and agency, or special revenue account or subfund. The department shall submit a comprehensive reporting of all cash balances brought forward from the prior fiscal year. The report shall, at a minimum, for each account or subfund include the following: the statutory authority that allows the funds to be carried forward, the maximum authorized amount that can be carried forward, the general purpose or need for the carry forward, the specific source(s) of funding or revenue that generated the carry forward, and a detailed description of any pending obligations against the carry forward. The report must be submitted to the President of the Senate, Chairman of the Senate Finance Committee, Speaker of the House of Representatives, and Chairman of the House Ways and Means Committee, within fifteen days after the Comptroller General closes the fiscal year.

2. Please describe in detail why the agency needs to carry forward a balance greater than one-twelfth of the funds identified as disbursements (other than it is required by law).

The agency needs to carry forward a balance greater than one-twelfth of the funds identified as disbursements for purposes of maintaining funds for changes in enrollment and/or health care costs for Medicaid beneficiaries.

3. Please describe the key expenditures of this fund.

These funds are for Medicaid expenditures.

4. Please provide a description of the source(s) of funding for this account.

The source of funding for this account is State Appropriated Dollars.

**GENERAL FUNDS
CARRY FORWARD**

Agency: Department of Health and Human Services

Fund Number: 10010020 **Fund Name:** General Funds-Ext Grant Related

	SFY 2023-24
Beginning Balance	-
Receipts	-
Disbursement	(36,543,283)
Transfers	36,543,283
Ending Balance	-

SFY2024 Year to Date as of 7/29/2024

1. Cite the authorization by which the agency has the authority to carry forward the funds.

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2. Please describe in detail why the agency needs to carry forward a balance greater than one-twelfth of the funds identified as disbursements (other than it is required by law).

This fund was for the American Rescue Plan Act (ARPA). The funds were exhausted during SFY 2024.

3. Please describe the key expenditures of this fund.

The state is using these funds to supplement and not supplant existing state funds expended for Medicaid Home and Community Based Services (HCBS).

4. Please provide a description of the source(s) of funding for this account.

The funding source for this account was Section 9817 of the American Rescue Plan Act (ARPA). This plan outlines key spending priorities that enhanced and strengthened home and community-based services (HCBS) and supported state COVID-19-related HCBS needs. These funds were exhausted during SFY 2023-24.

**GENERAL FUNDS
CARRY FORWARD**

Agency: Department of Health and Human Services

Fund Number: 10050023 **Fund Name:** General Fund- Nonrecurring Appropriation

SFY 2023-24	
Beginning Balance	-
Receipts	-
Disbursement	(32,860,000)
Transfers	44,880,000
Ending Balance	12,020,000

SFY2024 Year to Date as of 7/29/2024

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2. Please describe in detail why the agency needs to carry forward a balance greater than one-twelfth of the funds identified as disbursements (other than it is required by law).

These funds represent non-recurring appropriations pursuant to Proviso 118.19 of the 2022-23 Appropriation Act. The remaining funds represent earmarked items that the contract has not been finalized or for behavioral health initiatives that will be completed during SFY 2024-25.

3. Please describe the key expenditures of this fund.

Expenditures are for legislative earmarks in the 2022-23 Appropriation Act. Initiatives included but not limited to, \$61.5 million for behavioral health capacity, \$2.4 million for pregnancy crisis centers and \$500 thousand for the Barksdale sickle cell unit.

4. Please provide a description of the source(s) of funding for this account.

Proviso 118.19 of the 2022-23 Appropriation Act.

**GENERAL FUNDS
CARRY FORWARD**

Agency: Department of Health and Human Services

Fund Number: 10050024 **Fund Name:** General Fund- Nonrecurring Appropriation

SFY 2023-24	
Beginning Balance	-
Receipts	-
Disbursement	(34,790,555)
Transfers	38,476,482
Ending Balance	3,685,927

SFY2024 Year to Date as of 7/29/2024

1. Cite the authorization by which the agency has the authority to carry forward the funds.

Proviso 33.16- – Carry Forward: The Department of Health and Human Services is authorized to carry forward and expend any General Fund balance and any cash balances from the prior fiscal year into the current fiscal year for any earmarked or restricted trust and agency, or special revenue account or subfund. The department shall submit a comprehensive reporting of all cash balances brought forward from the prior fiscal year. The report shall, at a minimum, for each account or subfund include the following: the statutory authority that allows the funds to be carried forward, the maximum authorized amount that can be carried forward, the general purpose or need for the carry forward, the specific source(s) of funding or revenue that generated the carry forward, and a detailed description of any pending obligations against the carry forward. The report must be submitted to the President of the Senate, Chairman of the Senate Finance Committee, Speaker of the House of Representatives, and Chairman of the House Ways and Means Committee, within fifteen days after the Comptroller General closes the fiscal year.

2. Please describe in detail why the agency needs to carry forward a balance greater than one-twelfth of the funds identified as disbursements (other than it is required by law).

These funds represent non-recurring appropriations pursuant to Proviso 118.19 of the 2023-24 Appropriation Act. The remaining funds represent earmarked items for a psychiatric residency program and Alzheimer disease research center that will be completed or returned to the State during SFY 2024-25.

3. Please describe the key expenditures of this fund.

Expenditures are for legislative earmarks in the 2023-24 Appropriation Act. Initiatives included but not limited to, \$10 million for Alzheimer disease research center and \$3 million for psychiatric residency program.

4. Please provide a description of the source(s) of funding for this account.

Proviso 118.19 of the 2023-24 Appropriation Act.

**OTHER FUNDS
CARRY FORWARD/TRUST FUND BALANCES**

Agency: Department of Health and Human Services

Fund Number: 30370035 **Fund Name:** Medicaid Match Activity

	SFY 2023-24
Beginning Balance	19,724,503
Receipts	(19,724,503)
Disbursement	-
Transfers	-
Ending Balance	-

SFY2024 Year to Date as of 7/29/2024

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2. Please describe in detail why the agency needs to carry forward a balance greater than one-twelfth of the funds identified as disbursements (other than it is required by law).

This fund was for the American Rescue Plan Act (ARPA). The funds were exhausted during SFY 2023-24.

3. Please describe the key expenditures of this fund.

The state used these funds to supplement and not supplant existing state funds expended for Medicaid Home and Community Based Services (HCBS).

4. Please provide a description of the source(s) of funding for this account.

The funding source for this account was Section 9817 of the American Rescue Plan Act (ARPA). This plan outlines key spending priorities that enhanced and strengthened home and community-based services (HCBS) and supported state COVID-19-related HCBS needs. These funds were exhausted during SFY 2023-24.

**OTHER FUNDS
CARRY FORWARD/TRUST FUND BALANCES**

Agency: Department of Health and Human Services

Fund Number: 30980000 **Fund Name:** Donations

	SFY 2023-24
Beginning Balance	-
Receipts	-
Disbursement	-
Transfers	-
Ending Balance	-

SFY2024 Year to Date as of 7/29/2024

1. Cite the authorization by which the agency has the authority to carry forward the funds.

SC Code of Laws Section 63-11-1750 Funding: A separate fund must be established to accept nongovernmental grants, gifts, and donations from any public or private source for the South Carolina BabyNet Program. Each donor may designate up to one-half of their contribution to specific counties or a county. Both the designated and undesignated funds may be used to meet the local match required in this fund in the same manner as other funds under his control are invested and all interest derived from the investment of these funds shall remain in the fund. The South Carolina BabyNet Program Board of Trustees shall administer and authorize any disbursements from the fund. Private individuals and groups must be encouraged to contribute to this endeavor.

2. Please describe in detail why the agency needs to carry forward a balance greater than one-twelfth of the funds identified as disbursements (other than it is required by law).

Generally, the agency does not carry forward a balance greater than one-twelfth.

3. Please describe the key expenditures of this fund.

Donations from public and private donors to support the BabyNet Program.

4. Please provide a description of the source(s) of funding for this account.

Funds are received from public and private donors for the South Carolina BabyNet Program.

**OTHER FUNDS
CARRY FORWARD/TRUST FUND BALANCES**

Agency: Department of Health and Human Services

Fund Number: 31870000 **Fund Name:** Medicaid Reserve Account

	SFY 2023-24
Beginning Balance	396,138,751
Receipts	380,542
Disbursement	-
Transfers	(380,542)
Ending Balance	396,138,751

SFY2024 Year to Date as of 7/29/2024

1. Cite the authorization by which the agency has the authority to carry forward the funds.

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2. Please describe in detail why the agency needs to carry forward a balance greater than one-twelfth of the funds identified as disbursements (other than it is required by law).

With the support of the General Assembly, the agency has set a target minimum of 3% reserves of current year appropriations for increases in enrollment and/or unexpected increases in health care costs for Medicaid beneficiaries.

3. Please describe the key expenditures of this fund.

These funds are for Medicaid Expenditures.

4. Please provide a description of the source(s) of funding for this account.

Source of funds are unobligated matching funds.

**OTHER FUNDS
CARRY FORWARD/TRUST FUND BALANCES**

Agency: Department of Health and Human Services

Fund Number: 31880000 **Fund Name:** SCDHHS Medicaid Recoupment and Disallowance

	<u>SFY 2023-24</u>
Beginning Balance	5,586,633
Receipts	7,421,728
Disbursement	
Transfers	(7,490,397)
Ending Balance	<u>5,517,964</u>

SFY2024 Year to Date as of 7/29/2024

1. Cite the authorization by which the agency has the authority to carry forward the funds.

Proviso 33.1 – Recoupment/Restricted Fund: The Department of Health and Human Services shall recoup all refunds and identified program overpayments and all such overpayments shall be recouped in accordance with established collection policy. Further, the Department of Health and Human Services is authorized to maintain a restricted fund, on deposit with the State Treasurer, to be used to pay for liabilities and improvements related to enhancing accountability for future audits. The restricted fund will derive from prior year program refunds. The restricted fund shall not exceed one percent of the total appropriation authorization for the current year. Amounts in excess of one percent will be remitted to the general fund.

2. Please describe in detail why the agency needs to carry forward a balance greater than one-twelfth of the funds identified as disbursements (other than it is required by law).

This account is used to accumulate the state portion of prior year refunds for use in satisfying audit liabilities resulting from deferrals, disallowances, and uncollected accounts receivables due to the federal government within 365 days (such as nursing home receivables resulting from audits). Due to the potential size of our disallowances, this balance is necessary to prevent requests to the General Assembly to fund disallowances. Funding in this account is not generated at a consistent rate and the carry forward provision allows for the accumulation of balances sufficient to handle our sizable disallowances and receivables not collected within 365 days.

3. Please describe the key expenditures of this fund.

Expenditures for the current year would be for payment of liabilities due to disallowances, deferrals, or uncollected accounts receivables due to the federal government. These amounts do not post as an expenditure but as a reduction of revenue when posted to the federal account.

4. Please provide a description of the source(s) of funding for this account.

The source of funding for this account is the state portion of prior year refunds less expenditures for the Third-Party Liability, Drug Rebate, Medicaid eligibility determination and Fraud and Abuse Programs and is transferred to this subfund from fund 35047000 where all state refunds are deposited.

**OTHER FUNDS
CARRY FORWARD/TRUST FUND BALANCES**

Agency: Department of Health and Human Services

Fund Number: 34400000 **Fund Name:** Med Care Prog - \$0.50 per Capita

SFY 2023-24

Beginning Balance	-
Receipts	-
Disbursement	(2,559,212)
Transfers	2,559,212
Ending Balance	-

SFY2024 Year to Date as of 7/29/2024

1. Cite the authorization by which the agency has the authority to carry forward the funds.

This subfund administers the provisions of Section 44-6-146(A): “Every fiscal year the State Treasurer shall withhold from the portion of the Local Government Fund allotted to the counties a sum equal to fifty cents per capita based on the population of the several counties as shown by the latest official census of the United States. The money withheld by the State Treasurer must be placed to the credit of the commission and used to provide Title XIX (Medicaid) services.”

2. Please describe in detail why the agency needs to carry forward a balance greater than one-twelfth of the funds identified as disbursements (other than it is required by law).

Generally, the agency does not carry forward a balance greater than one-twelfth.

3. Please describe the key expenditures of this fund.

These funds are for Medicaid Services.

4. Please provide a description of the source(s) of funding for this account.

Funds are allocated from the Local Government Fund through the State Treasurer’s Office.

**OTHER FUNDS
CARRY FORWARD/TRUST FUND BALANCES**

Agency: Department of Health and Human Services

Fund Number: 34410000 **Fund Name:** State Agencies – Medicaid Allocation

SFY 2023-24	
<u>Beginning Balance</u>	<u>127,526,247</u>
<u>Receipts</u>	<u>33,091,414</u>
<u>Disbursement</u>	<u>(159,155,913)</u>
<u>Transfers</u>	<u>96,616,199</u>
<u>Ending Balance</u>	<u>98,077,948</u>

SFY2024 Year to Date as of 7/29/2024

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This fund is used to account for the matching funds transferred from state and other eligible providers participating in Medicaid contracts and services.

2. Please describe in detail why the agency needs to carry forward a balance greater than one-twelfth of the funds identified as disbursements (other than it is required by law).

These funds are transferred to the Department by other state entities or other eligible providers and are expended on a yearly basis for Medicaid contracts and services. Any carry forward is due to timing of receipt of match for a new fiscal year that is received in prior year. Without this carry forward, the Department would be unable to fund these contracts and services at the beginning of the State Fiscal Year.

3. Please describe the key expenditures of this fund.

Expenditures represent Medicaid contracts and services.

4. Please provide a description of the source(s) of funding for this account.

Funds are received from state and other eligible providers as match for Medicaid federal funding.

**OTHER FUNDS
CARRY FORWARD/TRUST FUND BALANCES**

Agency: Department of Health and Human Services

Fund Number: 34420000 **Fund Name:** Special Grants

	SFY 2023-24
Beginning Balance	137,483,925
Receipts	103,052,146
Disbursement	(194,029,769)
Transfers	12,751,758
Ending Balance	59,258,061

SFY2024 Year to Date as of 7/29/2024

1. Cite the authorization by which the agency has the authority to carry forward the funds.

Proviso 33.4 – Third Party Liability Collection: The Department of Health and Human Services is allowed to fund the net costs of any Third-Party Liability and Drug Rebate collection efforts from the monies collected in that effort.

Proviso 33.8 – Fraud and Abuse Collections: The Department of Health and Human Services may offset the administrative costs associated with controlling fraud and abuse.

2. Please describe in detail why the agency needs to carry forward a balance greater than one-twelfth of the funds identified as disbursements (other than it is required by law).

Actual collections are received in Fund 35040000 and transferred to this fund as needed to fund Third Party Liability, Drug Rebate, Fraud and Abuse activities and Medicaid services. Because collections are not consistent through the year, one-twelfth of the expenditures may not be sufficient to cover monthly costs actually incurred. Use of this carry forward reduces the need for state appropriated dollars to fund these activities.

3. Please describe the key expenditures of this fund.

Administrative expenditures for the Third-Party Liability, Drug Rebate, Fraud and Abuse programs and Medicaid services are funded through this fund. These expenditures include salary, fringe, supplies, equipment, contractual services, etc.

4. Please provide a description of the source(s) of funding for this account.

Sources of funding for these programs are from Third Party Liability, Fraud and Abuse and Drug Rebate collections.

**OTHER FUNDS
CARRY FORWARD/TRUST FUND BALANCES**

Agency: Department of Health and Human Services

Fund Number: 34750000 **Fund Name:** County Medicaid (MIAA)

	SFY 2023-24
Beginning Balance	-
Receipts	-
Disbursement	(5,183,504)
Transfers	5,183,504
Ending Balance	-

SFY2024 Year to Date as of 7/29/2024

1. Cite the authorization by which the agency has the authority to carry forward the funds.

SC Code of Laws Section 44-6-155: (A) There is created the Medicaid Expansion Fund into which must be deposited funds: (1) collected pursuant to Section 44-6-146 and (2) collected pursuant to Section 12-23-810. This fund must be separate and distinct from the general fund. These funds are supplementary and may not be used to replace general funds appropriated by the General Assembly or other funds used to support Medicaid.

SC Code of Laws Section 44-6-146: (B) County governments are assessed an additional thirteen million dollars annually for use as matching funds for Medicaid services. Of these funds, seven and a half million dollars must be deposited into the Medicaid Expansion Fund created by Section 44-6-155.

This subfund is used to account for \$5.5 million of the \$13 million pursuant to Section 44-6-155 received from counties to be used as Medicaid matching funds.

2. Please describe in detail why the agency needs to carry forward a balance greater than one-twelfth of the funds identified as disbursements (other than it is required by law).

Generally, the agency does not carry forward a balance greater than one-twelfth.

3. Please describe the key expenditures of this fund.

These funds are for Medicaid expenditures.

4. Please provide a description of the source(s) of funding for this account.

Funding is generated from assessments on county governments.

**OTHER FUNDS
CARRY FORWARD/TRUST FUND BALANCES**

Agency: Department of Health and Human Services

Fund Number: 34760000 **Fund Name:** Medicaid CPE

	<u>SFY 2023-24</u>
Beginning Balance	-
Receipts	59,382,961
Disbursement	(59,382,961)
Transfers	-
Ending Balance	-

SFY2024 Year to Date as of 7/29/2024

1. Cite the authorization by which the agency has the authority to carry forward the funds.

This fund is used for budgetary purposes only. It is used to account for required Medicaid matching funds that are retained by state and local government providers and does not represent cash expenditures.

2. Please describe in detail why the agency needs to carry forward a balance greater than one-twelfth of the funds identified as disbursements (other than it is required by law).

The balance should be zero and the balance should not be greater than one-twelfth.

3. Please describe the key expenditures of this fund.

Revenues and expenditures are recorded in an equal amount in the accounting records monthly for these non-cash matching funds.

4. Please provide a description of the source(s) of funding for this account.

This fund is for budgetary purposes only and represents non-cash required matching funds retained by state and local governments for Medicaid services.

**OTHER FUNDS
CARRY FORWARD/TRUST FUND BALANCES**

Agency: Department of Health and Human Services

Fund Number: 35B40000 **Fund Name:** Medicaid Sponsored Workers

	SFY 2023-24
Beginning Balance	4,913,913
Receipts	-
Disbursement	(5,336,877)
Transfers	6,484,886
Ending Balance	6,061,921

SFY2024 Year to Date as of 7/29/2024

1. Cite the authorization by which the agency has the authority to carry forward the funds.

Proviso 33.9- Medicaid Eligibility Transfer: The South Carolina Department of Health and Human Services (DHHS) is hereby authorized to determine the eligibility of applicants for the South Carolina Medicaid Program in accordance with the State Plan Under Title XIX of The Social Security Act Medical Assistance Program. The governing authority of each county shall provide office space and facility service for this function as they do for DSS functions under Section 43-3-65. With funds available to the department and by November first, the Director of the Department of Health and Human Services shall provide the governing authority and the legislative delegation of each county with information on the condition of space furnished for this purpose and shall specifically identify any known deficiencies with respect to the accessibility requirements of the Americans with Disabilities Act (ADA). By May first, the governing authority of any county with an identified ADA-related deficiency shall report to its legislative delegation and the Director of the Department of Health and Human Services on its progress in correcting such deficiency.

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2. Please describe in detail why the agency needs to carry forward a balance greater than one-twelfth of the funds identified as disbursements (other than it is required by law).

Since collections are not consistent throughout the year, one-twelfth of the expenditures may not be sufficient to cover monthly costs actually incurred. Use of this carry forward reduces the need for state appropriated dollars to fund these activities.

3. Please describe the key expenditures of this fund.

Salaries and other operating costs for Medicaid Eligibility determinations.

4. Please provide a description of the source(s) of funding for this account.

Funding is generated from the state portion of Medicaid assistance payment refunds for third party liability and fraud and abuse program collections.

**OTHER FUNDS
CARRY FORWARD/TRUST FUND BALANCES**

Agency: Department of Health and Human Services

Fund Number: 35047000 **Fund Name:** Med Asst. Prog Refunds - State

	SFY 2023-24
Beginning Balance	-
Receipts	6,721,642
Disbursement	-
Transfers	(6,721,642)
Ending Balance	-

SFY2024 Year to Date as of 7/29/2024

1. Cite the authorization by which the agency has the authority to carry forward the funds.

This is a revenue clearing fund that is used to deposit the state portion of Medicaid assistance payment refunds until proper identification and distribution can be made. The net costs of contracting for Third-Party Liability collection efforts are paid from Fund 34420000. Revenues deposited into this clearing fund are transferred to Fund 31870000, Fund 31880000, and Fund 35B40000 during the year.

2. Please describe in detail why the agency needs to carry forward a balance greater than one-twelfth of the funds identified as disbursements (other than it is required by law).

These monies are transferred to Fund 31870000, Fund 34420000, Fund 35B40000 or Fund 31880000 throughout the year pursuant to Proviso 33.1.

3. Please describe the key expenditures of this fund.

Expenditures are not paid from this fund, but Third-Party Liability and Drug Rebate efforts are funded from these revenues in Fund 34420000. Medicaid eligibility determination efforts are funded from these revenues in Fund 35B40000. Excess revenues are transferred to Fund 31880000 and Fund 31870000 to maintain the target minimum of 3% reserves.

4. Please provide a description of the source(s) of funding for this account.

The funding source for this account is prior year refunds.

**OTHER FUNDS
CARRY FORWARD/TRUST FUND BALANCES**

Agency: Department of Health and Human Services

Fund Number: 38450000 **Fund Name:** Money Follows Person Grant

SFY 2023-24	
Beginning Balance	530,680
Receipts	97,460
Disbursement	-
Transfers	(1,753)
Ending Balance	626,388

SFY2024 Year to Date as of 7/29/2024

1. Cite the authorization by which the agency has the authority to carry forward the funds.

Proviso 33.16 – Carry Forward: The Department of Health and Human Services is authorized to carry forward and expend any General Fund balance and any cash balances from the prior fiscal year into the current fiscal year for any earmarked or restricted trust and agency, or special revenue account or subfund. The department shall submit a comprehensive reporting of all cash balances brought forward from the prior fiscal year. The report shall, at a minimum, for each account or subfund include the following: the statutory authority that allows the funds to be carried forward, the maximum authorized amount that can be carried forward, the general purpose or need for the carry forward, the specific source(s) of funding or revenue that generated the carry forward, and a detailed description of any pending obligations against the carry forward. The report must be submitted to the President of the Senate, Chairman of the Senate Finance Committee, Speaker of the House of Representatives, and Chairman of the House Ways and Means Committee, within fifteen days after the Comptroller General closes the fiscal year.

2. Please describe in detail why the agency needs to carry forward a balance greater than one-twelfth of the funds identified as disbursements (other than it is required by law).

The Center for Medicare and Medicaid Services (CMS) requires that state savings realized from the enhanced Federal Medical Assistance Percentage, be accumulated in this “rebalancing fund” and be available for reinvestment into the community long term care support system to increase the availability of Home and Community Based Services (HCBS).

3. Please describe the key expenditures of this fund.

Rebalancing funds are only available for expenditures that increase use of HCBS.

4. Please provide a description of the source(s) of funding for this account.

Funds are generated from enhanced match from CMS consistent with Section 5001 of the Recovery Act.

**OTHER FUNDS
CARRY FORWARD/TRUST FUND BALANCES**

Agency: Department of Health and Human Services

Fund Number: 39580000 **Fund Name:** Sale of Assets

	SFY 2023-24
Beginning Balance	22,734
Receipts	10,553
Disbursement	(33,287)
Transfers	-
Ending Balance	-

SFY2024 Year to Date as of 7/29/2024

1. Cite the authorization by which the agency has the authority to carry forward the funds.

This fund is used to deposit the proceeds from the sale of assets to be used for the purchase of like kind assets.

2. Please describe in detail why the agency needs to carry forward a balance greater than one-twelfth of the funds identified as disbursements (other than it is required by law).

These funds are held for the purchase of like kind assets needed by the agency. Due to timing of sales and ordering of new assets, carry forward balances may be necessary to cover the costs of the new equipment.

3. Please describe the key expenditures of this fund.

Expenditures in this fund are for the replacement of like kind assets.

4. Please provide a description of the source(s) of funding for this account.

Funds are deposited to this account from the sale of assets to state surplus.

**OTHER FUNDS
CARRY FORWARD/TRUST FUND BALANCES**

Agency: Department of Health and Human Services

Fund Number: 41760000 **Fund Name:** Nursing Home Sanctions

	SFY 2023-24
Beginning Balance	15,407,827
Receipts	1,517,484
Disbursement	(940,213)
Transfers	-
Ending Balance	15,985,098

SFY2024 Year to Date as of 7/29/2024

1. Cite the authorization by which the agency has the authority to carry forward the funds.

SC Code of Laws Section 44-6-470: Any use of funds collected by the department as a result of the imposition of civil monetary penalties or other enforcement actions must be for a purpose related to the protection of the health and property of residents of nursing homes that participate in the Medicaid program. These funds may be used for the cost of relocating residents to other nursing homes, if necessary, and also may be used to reimburse residents for personal funds lost as a result of violations of the requirements for participation in the Medicaid program by the nursing home. In addition, these funds may be used for other costs directly associated with enforcement or corrective measures at facilities found to be out of compliance with the requirements for participation in the Medicaid program or for any other purpose that enhances or improves the health and quality of life for residents. These requirements for the use of funds collected also apply to funds received by the department that are collected as the result of enforcement actions directed by federal authorities.

2. Please describe in detail why the agency needs to carry forward a balance greater than one-twelfth of the funds identified as disbursements (other than it is required by law).

Nursing facilities are surveyed by the Department of Health and Environmental Control (DHEC) to assure the facilities are meeting standards for conditions of participation. If a nursing home is out of compliance, DHEC may impose a Civil Money Penalty (CMP).

Federal law as stated in 42 CFR Part 488.442 mandates that CMPs collected by the State must be applied to the protection of the health or property of residents of facilities that the State or CMS finds non-compliant, such as (1) payment for the cost of relocating residents to other facilities; (2) state costs related to the operation of a facility pending correction of deficiencies or closure; and (3) reimbursement of residents for personal funds or property lost at a facility as a result of action by the facility or by individuals used by the facility to provide services to residents.

These funds are obligated for this purpose and should be maintained to assure that funds are available should the need arise to relocate patients or to maintain operation of a facility pending corrective action. If adequate funding were not available, the Department would

have to request funding from the State General Fund to fund the cost of a nursing facility closure. This is not a consistent monthly need; therefore, one-twelfth carry forward may not be sufficient in the event of a home closure.

3. Please describe the key expenditures of this fund.

Expenditures are related to nursing home contracts for training and testing costs.

4. Please provide a description of the source(s) of funding for this account.

These funds come from the collection of fees and fines because of nursing home sanctions imposed by the Center of Medicare and Medicaid Services.

**OTHER FUNDS
CARRY FORWARD/TRUST FUND BALANCES**

Agency: Department of Health and Human Services

Fund Number: 41760002 **Fund Name:** Office of Inspector General

	SFY 2023-24
Beginning Balance	145,037
Receipts	3,795
Disbursement	-
Transfers	-
Ending Balance	148,833

SFY2024 Year to Date as of 7/29/2024

1. Cite the authorization by which the agency has the authority to carry forward the funds.

SC Code of Laws Section 44-6-470: Any use of funds collected by the department as a result of the imposition of civil monetary penalties or other enforcement actions must be for a purpose related to the protection of the health and property of residents of nursing homes that participate in the Medicaid program. These funds may be used for the cost of relocating residents to other nursing homes, if necessary, and also may be used to reimburse residents for personal funds lost as a result of violations of the requirements for participation in the Medicaid program by the nursing home. In addition, these funds may be used for other costs directly associated with enforcement or corrective measures at facilities found to be out of compliance with the requirements for participation in the Medicaid program or for any other purpose that enhances or improves the health and quality of life for residents. These requirements for the use of funds collected also apply to funds received by the department that are collected as the result of enforcement actions directed by federal authorities.

2. Please describe in detail why the agency needs to carry forward a balance greater than one-twelfth of the funds identified as disbursements (other than it is required by law).

Nursing facilities are surveyed by the Department of Health and Environmental Control (DHEC) to assure the facilities are meeting standards for conditions of participation. If a nursing home is out of compliance, DHEC may impose a Civil Money Penalty (CMP).

Federal law as stated in 42 CFR Part 488.442 mandates that CMPs collected by the State must be applied to the protection of the health or property of residents of facilities that the State or CMS finds non-compliant, such as (1) payment for the cost of relocating residents to other facilities; (2) state costs related to the operation of a facility pending correction of deficiencies or closure; and (3) reimbursement of residents for personal funds or property lost at a facility as a result of action by the facility or by individuals used by the facility to provide services to residents.

These funds are obligated for this purpose and should be maintained to assure that funds are available should the need arise to relocate patients or to maintain operation of a facility pending corrective action. If adequate funding were not available, the Department would

have to request funding from the State General Fund to fund the cost of a nursing facility closure. This is not a consistent monthly need; therefore, one-twelfth carry forward may not be sufficient in the event of a home closure.

3. Please describe the key expenditures of this fund.

Expenditures are related to the Office of Inspector General Audit Recoveries

4. Please provide a description of the source(s) of funding for this account.

These funds come from the collection of fees and fines because of nursing home sanctions imposed by the Center of Medicare and Medicaid Services.

**OTHER FUNDS
CARRY FORWARD/TRUST FUND BALANCES**

Agency: Department of Health and Human Services

Fund Number: 42750000 **Fund Name:** Tobacco Settlements

	<u>SFY 2023-24</u>
Beginning Balance	213,921,802
Receipts	4,547,850
Disbursement	(80,000,000)
Transfers	68,498,998
Ending Balance	<u>206,968,649</u>

SFY2024 Year to Date as of 7/29/2024

1. Cite the authorization by which the agency has the authority to carry forward the funds.

Proviso 117.35 – Tobacco Settlement Funds Carry Forward: State agencies are hereby authorized to retain and carry forward any unexpended Tobacco Settlement Agreement funds from the prior fiscal year into the current fiscal year and to expend such funds for the same purpose.

Proviso 118.11- Tobacco Settlement: ((A) To the extent funds are available from payments received on behalf of the State by the Tobacco Settlement Revenue Management Authority from the Tobacco Master Settlement Agreement ("MSA") in the current fiscal year, the State Treasurer is authorized and directed, after transferring funds sufficient to cover the operating expenses of the Authority, to transfer the remaining funds as follows:

(1) \$1,253,000 to the Attorney General's Office for Diligent Enforcement and Arbitration Litigation; \$450,000 to the State Law Enforcement Division for Diligent Enforcement; and \$325,000 to the Department of Revenue for Diligent Enforcement, all to enforce Chapter 47 of Title 11, the Tobacco Escrow Fund Act;

(2) The Attorney General's Office shall maintain a balance of \$1,253,000 in a fund for future tobacco arbitration. Attorney General funds in excess of \$1,253,000 may be utilized for information technology expenses and building infrastructure upgrades. These funds may be carried forward from the prior fiscal year into the current fiscal year and utilized for the same purpose; and

(3) The remaining balance shall be transferred to a restricted account authorized solely for use by the Department of Health and Human Services for the Medicaid program. Earnings on this fund must be credited to the fund and balances may be carried forward from the prior fiscal year for the same purpose.

(B) The requirements of Section 11-11-170 of the 1976 Code shall be suspended for the current fiscal year.

2. Please describe in detail why the agency needs to carry forward a balance greater than one-twelfth of the funds identified as disbursements (other than it is required by law).

Proviso 117.35 authorizes state agencies to retain and carry forward any unexpended Tobacco Settlement Agreement funds from the prior fiscal year into the current fiscal year to expend such funds for the same purpose.

3. Please describe the key expenditures of this fund.

Medicaid Program Expenditures.

4. Please provide a description of the source(s) of funding for this account.

The source of funding for this account comes from transfers made by the State Treasurer's Office from the Tobacco Master Settlement Agreement (MSA).

**OTHER FUNDS
CARRY FORWARD/TRUST FUND BALANCES**

Agency: Department of Health and Human Services

Fund Number: 44790000 **Fund Name:** Medicaid Expansion (MIAA)

<u>SFY 2023-24</u>	
Beginning Balance	94,509,954
Receipts	937,154,654
Disbursement	(886,391,046)
Transfers	7,068,553
Ending Balance	152,342,114

SFY2024 Year to Date as of 7/29/2024

1. Cite the authorization by which the agency has the authority to carry forward the funds.

SC Code of Laws Section 44-6-155: (A) There is created the Medicaid Expansion Fund into which must be deposited funds: (1) collected pursuant to Section 44-6-146 and (2) collected pursuant to Section 12-23-810. This fund must be separate and distinct from the general fund. These funds are supplementary and may not be used to replace general funds appropriated by the General Assembly or other funds used to support Medicaid.

SC Code of Laws Section 44-6-146: (B) County governments are assessed an additional thirteen million dollars annually for use as matching funds for Medicaid services. Of these funds, seven and a half million dollars must be deposited into the Medicaid Expansion Fund created by Section 44-6-155.

SC Code of Laws Section 12-23-810: (C) Every hospital licensed as a general hospital by the Department of Health and Environmental Control is subject to the payment on an excise, license or privilege tax. Each hospital's tax must be based on the total expenditures of each hospital as a percentage of total hospital expenditures statewide. Total annual revenues from the tax, exclusive of penalties and interest, in subsection (A) of this section must equal two hundred sixty-four million dollars.

Proviso 33.20 - DHHS: Medicaid Accountability and Quality Improvement Initiative -
From the funds appropriated and authorized to the Department of Health and Human Services, the department is authorized to implement the following accountability and quality improvement initiatives:

(C) Improving Access Initiatives - The department may pursue Medicaid reimbursement and health care delivery methodologies to sustain and improve access to services particularly in underserved and designated rural areas. The department shall review existing reimbursement levels and, as funds are available, take measures to implement competitive rate structures that provide incentives for providers to treat Medicaid, uninsured, and underinsured individuals. These structures may include the use of disproportionate share, directed payments, and other supplemental payment programs. The department may adjust provider assessments to align with available supplemental funding not to exceed the safe harbor threshold under the federal hold harmless provision. Utilizing income, population, provider capacity, and other relevant data, the department may

designate certain areas of the state as rural for Medicaid initiatives. To be eligible for these initiatives, the department may require providers to participate in quality, accountability, and reporting programs.

2. Please describe in detail why the agency needs to carry forward a balance greater than one-twelfth of the funds identified as disbursements (other than it is required by law).

These funds are earmarked for the Medicaid Expansion program and carry forward is due to the timing of the receipt of funds from the Department of Revenue. The agency is required to expend the total amount of two hundred and sixty-four million dollars annually. The increase in the tax amount was the result of a change in state law. The Department of Revenue does send the funds for July of the new state fiscal year to the agency in June of the prior year, which results in carry forward, but by law, these funds cannot be expended in the prior year.

3. Please describe the key expenditures of this fund.

These funds are for Medicaid expenditures.

4. Please provide a description of the source(s) of funding for this account.

Revenues are received from assessments on county governments and excise, license, or privilege taxes imposed on licensed hospitals.

**OTHER FUNDS
CARRY FORWARD/TRUST FUND BALANCES**

Agency: Department of Health and Human Services

Fund Number: 46K50000 **Fund Name:** Tobacco Sur-Medicaid Res

	SFY 2023-24
Beginning Balance	135,742,907
Receipts	-
Disbursement	(111,306,275)
Transfers	91,540,992
Ending Balance	115,977,624

SFY2024 Year to Date as of 7/29/2024

1. Cite the authorization by which the agency has the authority to carry forward the funds.

Proviso 118.5- Health Care Maintenance of Effort Funding: The revenue collected from the fifty-cent cigarette surcharge and deposited into the South Carolina Medicaid Reserve Fund established by Act 170 of 2010 and any other funds deposited into the fund shall be deemed appropriated for use by the Department of Health and Human Services for the Medicaid program. Unexpended funds appropriated pursuant to this provision may be carried forward to succeeding fiscal years and expended for the same purposes.

2. Please describe in detail why the agency needs to carry forward a balance greater than one-twelfth of the funds identified as disbursements (other than it is required by law).

Proviso 118.5 allows for unexpended funds to be carried forward to succeeding fiscal years.

3. Please describe the key expenditures of this fund.

These funds are for Medicaid expenditures.

4. Please provide a description of the source(s) of funding for this account.

Revenues are received from the Department of Revenue from the fifty-cent surcharge tax on cigarettes.

**OTHER FUNDS
CARRY FORWARD/TRUST FUND BALANCES**

Agency: Department of Health and Human Services

Fund Number: 49730000 **Fund Name:** Education Improvement Act 1984

	SFY 2023-24
Beginning Balance	331,488
Receipts	3,515
Disbursement	(4,423,576)
Transfers	4,088,573
Ending Balance	-

SFY2024 Year to Date as of 7/29/2024

1. Cite the authorization by which the agency has the authority to carry forward the funds.

SC Code of Laws Section 2-7-66: Education Improvement Act of 1984 appropriations for programs which are administered by agencies and entities other than the State Department of Education must be included in the annual general appropriations bill under the section containing appropriations for the State Department of Education in a separate subsection titled "Education Improvement Act Appropriations to Other Agencies and Entities";

HISTORY: 1988 Act No. 658, Part II, § 29.

Proviso 33.16- – Carry Forward: The Department of Health and Human Services is authorized to carry forward and expend any General Fund balance and any cash balances from the prior fiscal year into the current fiscal year for any earmarked or restricted trust and agency, or special revenue account or subfund. The department shall submit a comprehensive reporting of all cash balances brought forward from the prior fiscal year. The report shall, at a minimum, for each account or subfund include the following: the statutory authority that allows the funds to be carried forward, the maximum authorized amount that can be carried forward, the general purpose or need for the carry forward, the specific source(s) of funding or revenue that generated the carry forward, and a detailed description of any pending obligations against the carry forward. The report must be submitted to the President of the Senate, Chairman of the Senate Finance Committee, Speaker of the House of Representatives, and Chairman of the House Ways and Means Committee, within fifteen days after the Comptroller General closes the fiscal year.

2. Please describe in detail why the agency needs to carry forward a balance greater than one-twelfth of the funds identified as disbursements (other than it is required by law).

Generally, the agency does not carry forward a balance greater than one-twelfth.

3. Please describe the key expenditures of this fund.

Disbursements from Department of Revenue (DOR) in accordance with the state accounting policies and procedures for support of the BabyNet Program.

4. Please provide a description of the source(s) of funding for this account.

Funds appropriated under this subsection must be disbursed to the agencies and entities by the Department of Revenue (DOR) in accordance with state accounting policies and procedures.