

**RICHARD HUDSON**  
8TH DISTRICT, NORTH CAROLINA

COMMITTEE ON ENERGY AND COMMERCE  
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**Congress of the United States**  
**House of Representatives**

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Honorable Seema Verma  
Administrator  
Centers for Medicare and Medicaid Services  
200 Independence Ave., S.W.  
Washington, DC 20001

Administrator Verma:

I write to you today to seek help for special needs children in my district. I am hearing from concerned parents and school administrators that special needs children will be unable to learn during school hours because of technical requirements that do not reflect the pragmatic needs from the current pandemic.

North Carolina has created the CAP-C program under the Section 1915(c) waivers to provides home- and community-based services to children at risk for institutionalization in a nursing home. Under Section 1915(c) of the Social Security Act, state Medicaid Innovation waiver services cannot duplicate services provided under the Individuals with Disabilities Education (IDEA) Act. This is an appropriate safeguard during normal times when students are able to attend school, but in a pandemic when children may be kept at home these safeguards will not allow the program's intended purpose to work.

From my understanding, at the onset of the COVID-19 outbreak these services were allowed to be used in conjunction with remote learning. However, I am told the guidance has recently changed to prevent the CAP-C program from being used in conjunction with remote learning. This would have a devastating impact on our children's learning capabilities and deprive them of necessary services during an already incredibly difficult time.

I am concerned any delay in action will only harm special need's children development and implore you to take action immediately to rectify this situation.

Sincerely,



Richard Hudson  
Member of Congress