

**MEMORIALIZATION OF CORRECTIVE ACTIONS THROUGH  
EXPEDITED COMPLAINT RESOLUTION PROCESS FOR AN INDIVIDUAL COMPLAINT  
BETWEEN THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR CIVIL RIGHTS AND SOUTH CAROLINA DEPARTMENT OF HEALTH AND  
HUMAN SERVICES**

**COMPLAINT #22-446483**

**I. INTRODUCTION AND BACKGROUND**

- A. The purpose of this Memorialization of Corrective Actions is to set forth the corrective actions that the South Carolina Department of Health and Human Services (SC DHHS) has put in place, and the actions it has agreed to take to resolve a complaint filed with the United States Department of Health and Human Services (HHS), Office for Civil Rights (OCR), through OCR's Expedited Complaint Resolution process (ECR). The Memorialization will also establish a monitoring period, to ensure that the corrective actions agreed upon are implemented in a timely manner.
- B. OCR received Complaint #22-446483 (the complaint) from **REDACTED** (Complainant) on behalf of **REDACTED** (SS), alleging SC DHHS discriminated against SS on the basis of disability, by failing to provide him with adequate supports and services necessary for him to engage in community-based activities and learn needed skills essential to independent living, despite repeated requests for support. Further, Complainant alleged that SS had limited engagement with the community and had not been engaged in developing an individualized schedule of activities in the most integrated setting based on his interests and needs, and was required to adhere to a schedule regimented by the provider's requirements.
- C. Pursuant to Section 504 of the Rehabilitation Act of 1973, 29 United States Code (U.S.C.) § 794, and its implementing regulations at 45 Code of Federal Regulations (C.F.R.) Part 84 (Section 504); Section 1557 of the Affordable Care Act, 42 U.S.C. § 18116 and its implementing regulations at 45 C.F.R. Part 92 (Section 1557); and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12132 and its implementing regulations at 28 C.F.R. Part 35 (Title II of the ADA), covered entities are obligated to provide services in the most integrated setting appropriate to an individual with disabilities.
- D. As a recipient of Federal financial assistance from HHS, SC DHHS is a covered entity and is obliged to comply with Section 504 and Section 1557 and, as a state entity, SC DHHS is required to comply with Title II of the ADA.
- E. On February 1, 2024, OCR notified SC DHHS of its authority to investigate the complaint under Section 504, Section 1557, and Title II of the ADA. OCR offered SC DHHS an opportunity to engage in the ECR process.
- F. On March 7, 2024, an ECR meeting was held with SC DHHS, Complainant, SS, and OCR. During the ECR meeting, the parties agreed that to resolve the complaint, SS required an updated Person-Centered Plan, assignment of a new case manager, and alternative living options.

- G. During the ECR process, SC DHHS took the following affirmative steps to provide SS with adequate supports and services to engage in community-based activities and learn needed skills essential to independent living:
1. **Assigned a new case manager:** On March 11, 2024, SC DHHS assigned SS a case manager from **REDACTED**.
  2. **Developed a comprehensive Person-Centered Plan:** On April 30, 2024, a comprehensive Person-Centered Plan was developed with input from SS and his family that detailed alternative housing options and needed support services to promote his independence in the most integrated setting appropriate to meet his needs.
  3. **Ensured existing residential provider accommodated community integration:** SC DHHS worked with SS's existing group home to ensure it accommodated SS's desire to integrate in the community and reside in a homelike environment.
  4. **Ensured complaints regarding existing group home were addressed:** While waiting for placement in a new residential setting, SC DHHS ensured complaints brought by SS and his family regarding the existing group home were addressed.
  5. **Secured a new residential provider in REDACTED, South Carolina:** On July 11, 2024, SS moved to a Supported Living Program (SLP-I) residence in **REDACTED**, South Carolina. On February 19, 2025, SC DHHS confirmed that SS was approved for additional support services to provide him with opportunities for community engagement, including his job **REDACTED** South Carolina, and support staff to increase his independence with activities of daily living skills.
- H. The totality of SC DHHS actions will support SS to ensure he receives the necessary services and supports to integrate in the community.
- I. SC DHHS has worked cooperatively with OCR and SS throughout this matter and is continuing to ensure his needs are met.
- J. The Parties voluntarily agree to resolve the complaint by memorializing the corrective actions SC DHHS has taken and the actions it has committed to take in the future with a monitoring period, during which OCR will monitor the provision of services SS receives through South Carolina Department of Disabilities and Special Needs to ensure that he continues to receive adequate services necessary for him to remain in the most integrated setting in his community.
- K. This Memorialization of Corrective Actions is not an admission of liability by SC DHHS regarding the allegations in the complaint.

## II. SPECIFIC SC DHHS COMMITMENTS

- A. SC DHHS will work with SS and his family to provide options for a Community Training Home (CTH-II) residential placement for SS in **REDACTED**, South Carolina. Once a placement option is accepted by SS and his family, SC DHHS will ensure SS moves to this new residential setting as quickly as feasible based on the placement location and preparatory actions that are needed.

- B. SC DHHS will continue to ensure SS receives services and supports necessary for him to reside in a homelike environment and have opportunities for community engagement, including wraparound supports in his current residence to assure his continued success and progress in attaining independent living skills and achieving optimal self-sufficiency.
- C. SC DHHS will not make any changes to SS's Person-Centered Plan without first assessing his needs, ensuring the change is needed to effectuate his right to remain in the most integrated setting in his community, and consulting with him.
- D. SC DHHS will ensure that SS will be contacted at least monthly by his case manager, who will monitor SS's current residential experience to assure he is receiving an adequate level of services and providing regular reports about progress in solidifying SS's longer-term residence in **REDACTED**, South Carolina.
- E. SC DHHS will explore and pursue with the provider and case manager any options for leveraging additional funding streams via the state's federally-funded Fair Housing programs to support the purchase of or any repairs to an appropriate housing unit in the **REDACTED** area. To aid the state in this exploratory process, SC DHHS is encouraged to pursue further technical assistance and support through the [Housing and Services Resource Center](#) funded through the U.S. Department of Health and Human Services and available to support the leveraging of housing and health resources to improve access of persons with disabilities to affordable housing and community living.

### III. **MECHANISM FOR REPORTING CONCERNS TO SC DHHS**

- A. SC DHHS will designate Margaret Alewine, Chief of Policy, as the point of contact to receive and resolve any issues SS encounters with the provision of services he receives through the South Carolina Department of Disabilities and Special Needs. In the event SS is not satisfied with the resolution, he can elevate his concerns to Alicia Smith, SC DHHS Director of Civil Rights.
- B. SC DHHS will report to SS and OCR actions taken to address any issues SS raises.

### IV. **MONITORING AND REPORTING**

- A. On the last day of each month of the monitoring period, SC DHHS will provide monthly written confirmation to OCR that SS is receiving regular contact from his case manager and adequate support services he needs to reside in the community.
- B. On the last day of each month of the monitoring period, SC DHHS will provide updates on the efforts taken to secure a residential placement for SS in **REDACTED**, South Carolina.
- C. During the monitoring period, Complainant may report to OCR any concerns related to the provision of SS's services. A finding of non-compliance may extend the monitoring period.

## V. GENERAL TERMS

- A. This Memorialization of Corrective Actions resolves OCR Complaint #22-446483 and is limited to the facts and issues presented in the complaint. It does not replace SC DHHS' continuing obligation to comply with Section 504, Section 1557, and Title II of the ADA and all other federal laws and applicable regulations, or preclude OCR from taking appropriate action to evaluate SC DHHS' compliance with laws OCR enforces.
- B. If at any time OCR believes that SC DHHS or any of its components has failed to comply in a timely manner with any obligation under this Memorialization of Corrective Actions, OCR may issue SC DHHS a notice of alleged non-compliance and will provide a reasonable opportunity of no less than seven calendar days to respond.
- C. This Memorialization of Corrective Actions is a public document that will be available on OCR's public website and upon request by any individual, with appropriate redactions of personally identifiable information.

## VI. EFFECTIVE DATE AND MONITORING PERIOD

- A. The effective date of this Memorialization of Corrective Actions is April 4, 2025. This Memorialization of Corrective Actions will continue for a monitoring period until SS is residing in **REDACTED**, South Carolina and receiving adequate services necessary for him to integrate in the community for a period of 60 days.

For the South Carolina Department  
of Health and Human Services

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Director for the South Carolina Department  
of Health and Human Services

For the United States Department of Health  
and Human Services, Office for Civil Rights

/s/

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