

**DEPARTMENT OF HEALTH AND SOCIAL SERVICES**  
**DIVISION OF MEDICAID AND MEDICAL ASSISTANCE**  
Statutory Authority: 31 Delaware Code, Section 512 (31 Del.C. §512)

**GENERAL NOTICE**

**STATEWIDE TRANSITION PLAN**  
**HOME AND COMMUNITY-BASED SERVICES SETTINGS**  
**TRANSITION PLAN UPDATES**

In accordance with the public notice requirements of 42 CFR 441.301(6)(B)(iii), 42 CFR 441.710(3)(iii), and Title 29, Chapter 101 of the Delaware Code, Delaware Health and Social Services (DHSS)/Division of Medicaid and Medical Assistance (DMMA) gives notice related to the state's plan to comply with new federal regulations governing the settings in which the delivery of services to Medicaid Home and Community-Based Services (HCBS) waiver recipients may be provided.

**Purpose**

The purpose of this posting is to provide public notice and receive public input for consideration regarding Delaware Medicaid's Proposed Home and Community-Based Services (HCBS) Settings Transition Plan, specifically the HCBS Transition Plan Updates.

**Overview**

The Centers for Medicare and Medicaid Services (CMS) published regulations in the Federal Register (42 CFR 441.301(c)(4)-(6) on January 16, 2014, effective March 17, 2014, which changed the definition of Home and Community-Based Services (HCBS) settings. Because Delaware's 1115 Demonstration refers to the 1915(c) authority for HCBS services, the state must comply with these regulatory changes. Delaware does not have a 1915(k) waiver. The transition plan must describe the process by which the state will ensure that service settings used in each of its home and community-based waivers meet "community-like" expectations. The final rule provides for a five-year transition process that will allow states to implement this rule in a manner that supports continuity of services for Medicaid recipients and minimizes disruptions in service during implementation; as such, all such services must be in compliance with CMS requirements before March 2019.

For additional information about the CMS HCBS final rule, use the following link to the CMS website:

<http://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Long-Term-Services-and-Supports/Home-and-Community-Based-Services/Home-and-Community-Based-Services.html>.

Delaware Health and Social Services (DHSS)/Division of Medicaid and Medical Assistance (DMMA) previously provided an opportunity for comment on Delaware's HCBS Transition Plan.

**Transition Plan Update**

The Department of Health and Social Services (DHSS) is updating the Delaware Statewide Transition Plan (the Plan) to reflect the current status of implementation activities as of July 2015. We direct you to new sections "July 2015 Updates to Delaware Developmental Disabilities Services (DDDS) Waiver Assessment and Remediation Plan" and "July 2015 Updates to Diamond State Health Plan (DSHP) Demonstration and Remediation Plan" for new information since publication of the Plan in March 2015. We have updated the matrices on pages on pages 17 and 33 to note, when appropriate revised tasks, dates and completion status. Moving forward, we plan to update the Plan as needed to reflect the status of implementation activities as they occur.

**Draft of Proposed Statewide 1915 HCBS Settings Transition Plan Update**

This public notice, transition plan containing updates, and other related information for participating in and submitting comment are posted online at:

[http://dhss.delaware.gov/dhss/dmma/hcbs\\_trans\\_plan.html](http://dhss.delaware.gov/dhss/dmma/hcbs_trans_plan.html). Delaware will be submitting its updated Transition Plan to CMS by September 17, 2015.

Hard copies are available by contacting Arlene Baal at [Arlene.Baal@state.de.us](mailto:Arlene.Baal@state.de.us).

Hard copies are available for review at the Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, Holloway Campus, Lewis Building, Conference Room 198, New Castle, Delaware 19720 from 8:00 a.m. – 4:30 p.m.

## **Public Comment Submission Process**

As required by 42 CFR Part 441.301, DHSS/DMMA provides a thirty-day public notice and comment period. The public is invited to review and comment on the State's proposed Transition Plan Updates. Comments must be received by 4:30 p.m. on August 31, 2015. Comments and input regarding the draft transition plan may be submitted in the following ways:

By email: [DMMA\\_PublicHearing@state.de.us](mailto:DMMA_PublicHearing@state.de.us)

By fax: 302-255-4481 to the attention of HCBS Transition Plan Updates

By written comments sent to:

HCBS Transition Plan Updates  
Division of Medicaid and Medical Assistance  
Planning, Policy & Quality Unit  
1901 North DuPont Highway  
P.O. Box 906  
New Castle, Delaware 19720-0906

Please identify in the subject line: Draft Home and Community-Based Services (HCBS) Settings Transition Plan Updates.

## **Public Hearings**

DHSS/DMMA will provide the following opportunities to the public to provide input on the proposed (HCBS) Settings Transition Plan Updates in person. Three (3) public hearings are scheduled. The detailed information for each public hearing is shown below.

1. **Sussex County**  
**Monday, August 24, 2015**  
**11:00am-1:00pm**  
Thurman Adams State Service Center  
(Formerly, Georgetown State Service Center)  
546 South Bedford Street  
Georgetown, Delaware 19947  
Phone: 302-856-5211 or 302-856-5574  
(Visitor parking is designated by signs and is close to the entrance of the building)
2. **Kent County**  
**Monday, August 24, 2015**  
**3:00pm – 5:00pm**  
Delaware Department of Transportation  
Administration Center  
800 Bay Road  
Dover, Delaware 19901  
Phone: 302-760-2000  
(Visitor parking is in the front of the building)
3. **NEW CASTLE COUNTY**  
**Friday, August 28, 2015**  
**4:00pm – 6:00pm**  
Delaware State Police  
Troop 2  
Robert Paris Community Room  
100 Lagrange Avenue  
Newark, Delaware 19702  
Phone: 302-834-2620 - main line  
(Visitor parking is in the front of the building)

The State will take verbal and written comments at the public hearings. The input provided will be summarized and used to formulate Delaware's final statewide transition plan that will be submitted to CMS.

If you are unable to attend the public hearing in person, you may participate by teleconference. To participate via teleconference, on the date and time of the public hearing, call 1-877-366-0711 and enter passcode 95099070#. Please note that teleconference is not available at Delaware State Police Troop 2.

If you require special assistance or auxiliary aids and/or services to participate in the public hearing (e.g., sign language or wheelchair accessibility), please call the following contact at least ten (10) days prior to the hearing for arrangements:

Arlene Baal at (302) 255-9561

The prompt submission of requests helps to ensure the availability of qualified individuals and appropriate accommodations in advance.

The summary of comments, in addition to a summary of modifications made in response to the public comments, will be added to the Delaware's updated HCBS Transition Plan. The state will post on the **DMMA website** a summary of public comments and our responses and, the final updated transition plan with any modifications after the receipt of public comments.

Stephen M. Groff            July 27, 2015

Director

Division of Medicaid and Medical Assistance

**19 DE Reg. 144 (08/01/15) (Gen. Notice)**