

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF SOCIAL SERVICES

Statutory Authority: 31 Delaware Code, Section 512 (31 Del.C. §512)
16 DE Admin. Code 11004

PROPOSED

PUBLIC NOTICE

Purchase of Care Plus

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code), 42 CFR §447.205, and under the authority of Title 31 of the Delaware Code, Chapter 5, Section 512, Delaware Health and Social Services (DHSS) is proposing to amend the Division of Social Services Manual regarding Purchase of Care Plus, specifically, to clarify program policy and requirements.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs or other written materials concerning the proposed new regulations must submit same to, Planning, Policy and Quality Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to Nicole.M.Cunningham@state.de.us, or by fax to 302-255-4413 by 4:30 p.m. on August 31, 2018. Please identify in the subject line: Purchase of Care Plus.

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments and written materials filed by other interested persons.

SUMMARY OF PROPOSAL

The purpose of this notice is to advise the public that Delaware Health and Social Services (DHSS) is proposing to amend Division of Social Services Manual regarding Purchase of Care Plus, specifically, to clarify program policy and requirements.

Statutory Authority

- 45 CFR 98.1

Background

In October 2003, the Division of Social Services (DSS) piloted the Purchase of Care Plus (POC+) program based on feedback from provider groups regarding the low DSS reimbursement rates and providers' inability to financially maintain slots for DSS clients. This program was designed to encourage providers to increase the number of slots available to DSS clients by reducing the financial burden on the provider and was implemented statewide beginning January 2005.

POC+ is a care option that allows POC providers to charge DSS fee-paying clients the difference between the DSS reimbursement rate and the provider's private fee for service. The provider receives the DSS reimbursement, the DSS determined child care parent fee, if applicable, and any additional provider determined co-payment. Currently providers are only required to have one regular slot if they chose to be a POC+ provider. DSS has noticed that all new providers are applying to be POC+ providers.

DSS has seen a reduction in the number of regular POC slots available to non-fee paying families and an increase in providers who are not abreast of the POC+ requirements and are therefore frequently out of compliance with them. The revised POC+ policy outlines current requirements for POC+ providers, as well as the new requirements to be in good standing with the POC program for at least 6 months prior to applying to become a POC+ provider and the requirement that providers have equal shares of regular and POC+ slots available to families.

Summary of Proposal

Purpose

The purpose of this proposed regulation is to clarify program policy and requirements, specifically, to explain the requirements for participation in the POC+ program for POC providers and families. In addition, the policy explains the different options available to the families that participate.

Summary of Proposed Changes

Effective for services provided on and after October 12, 2018 Delaware Health and Social Services/Division of Social Services proposes to amend section 11004.4.2 of Division of Social Services Manual (DSSM) regarding Purchase of Care Plus, specifically, to clarify program policy and requirements.

Public Notice

In accordance with the *federal* public notice requirements established at Section 1902(a)(13)(A) of the Social Security Act and 42 CFR 447.205 and the state public notice requirements of Title 29, Chapter 101 of the Delaware Code, Delaware Health and Social Services (DHSS) gives public notice and provides an open comment period for thirty (30) days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments must be received by 4:30 p.m. on August 31, 2018.

Fiscal Impact

There are no budget implications as a result of the POC+ policy revision. The policy is being revised to more clearly define the POC+ program and the program's requirements for providers and families.

AMENDED

POLICY – AMENDMENT

Delaware Department of Health and Social Services
Division of Social Services
Policy and Program Development Unit

11004.4.2 Defining the Purchase of Care Plus (POC+) Program

~~POC+ is a care option that allows providers to charge DSS clients the difference between the DSS reimbursement rate up to the provider's private fee for service. The provider receives the DSS rate, the DSS determined child care parent fee if applicable, and any additional provider determined co-pay.~~

~~This option is primarily for DSS fee-paying clients. DSS chooses not to limit childcare options for any group of individuals. DSS will allow all DSS purchase of care clients eligible for POC with no parent fee the opportunity to waive their right to receive childcare with no additional provider co-pays and choose a POC+ slot.~~

~~POC+ is an option for all DSS clients, not a requirement. If a provider does not have a regular POC slot available, the client can choose to self arrange, enter into a POC+ arrangement or find another provider that will take the regular DSS payment.~~

~~It is the provider's responsibility to include in their contract with the DSS client the explanation of POC+, the length of POC+ if it is specified, the co-payment amount, the providers policy on non-payment of fees, and a statement that they have explained to the client their options and that the client chooses to participate in POC+.~~

~~In order for providers to be able to participate in the POC+ option they must agree to take a percentage of DSS waived fee clients and attend training on POC+.~~

~~If a client is currently participating in POC+ and goes to a zero parent fee for DSS, the client can stay POC+ or request a regular POC slot. If a regular POC slot is not available the client can chose to remain in a POC+ slot, self arrange, or find a provider with a regular POC slot.~~

~~A provider cannot change a zero parent fee client from a regular POC slot to a POC+ slot.~~

~~NOTE: It is important to explain to DSS clients who receive POC and Food Stamps that if they choose to participate in POC+ they need to inform the DSS worker of the co-payment amount so that the Food Stamp case can be updated.~~

The POC+ program is an option available to families receiving child care assistance.

1. POC+ allows providers to charge DSS clients the difference between the DSS reimbursement rate and the provider's private fee for service.

A. The provider receives:

- : The DSS reimbursement rate.**
- : The DSS determined child care parent fee (if applicable), and**
- : Any additional provider determined POC+ copayment (not to exceed the provider's current contracted rate).**

B. The provider must:

- Be a POC provider in good standing for a period of at least six months.
- Complete POC+ program training every two years.
- Be recertified if the POC+ option has not been used in a 12-month period.
- Agree to provide and fill equal shares of POC+ slots and regular POC slots.
- Offer clients who pay zero parent fees a regular POC slot first (if available).
- Maintain current clients who pay zero parent fees in regular POC slots.
- Include the following specifications in the client's POC+ contract:
 - i. An explanation of the POC+ program.
 - ii. The length of the POC+ contract (if specified).
 - iii. The POC+ copayment amount (not to exceed the provider's current contracted rate).
 - iv. The provider's policy on non-payment of fees, and
 - v. A statement to verify that the POC+ program has been explained to the client and that the client agrees to participate. The statement must be signed by the client and the provider.

2. POC+ is an option primarily for DSS fee-paying clients; however, this option is available to all DSS clients who choose to enter into a POC+ arrangement.

- A. A new client without a parent fee may choose a regular POC slot or a POC+ slot; however, the client will be responsible for the additional POC+ provider fees.
- B. If a provider does not have a regular POC slot available, the client may choose to:
 - Enter into a POC+ agreement.
 - Establish self-arranged child care, or
 - Find a provider who has a regular POC slot available.
- C. If a client is currently participating in POC+ and the client's DSS parent fee decreases to zero, the client may continue participating in POC+ or request a regular POC slot. If a regular POC slot is not available, the client may choose to:
 - Remain in the POC+ slot.
 - Establish self-arranged child care, or
 - Find a provider who has a regular POC slot available.

Note: Clients who participate in POC+ and receive food benefits should inform DSS of their POC+ copayment amounts so that their food benefit cases may be updated.

10 DE Reg. 564 (09/01/06)

22 DE Reg. 138 (08/01/18) (Prop.)