

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

Statutory Authority: 31 Delaware Code, Section 512 (31 **Del.C.** §512)

EMERGENCY

School-Based Wellness Center Services

Nature of the Proceedings:

This emergency regulation is being promulgated to amend the Title XIX Medicaid State Plan to add specific reimbursement methodology language for School-Based Wellness Center Services. Delaware Health and Social Services ("Department") / Division of Medicaid and Medical Assistance (DMMA) must take this action on an emergency basis to ensure access to quality healthcare. The Department has determined that a threat to the public welfare exists if it is not implemented without prior notice or hearing.

Nature of Proposed Amendment:

The Delaware Medical Assistance Program (DMAP) reimburses providers for school-based wellness center services. Federal statutes and regulations require that a state plan be developed that provides the methods and standards for reimbursement of covered services. Although, the reimbursement methodology for these services is in effect, there is no method and standard for reimbursement of this covered service in the Title XIX Medicaid State Plan. Agency state plan pages are being revised to add specific reimbursement methodology language for School-Based Wellness Center Services.

Summary of the Proposed Amendment:

School-Based Wellness Center Clinic Services provide primary prevention and early intervention services, including physical examinations, treatment of acute medical problems, community referrals, counseling and other supportive services to children in school or educational settings.

The Centers for Medicare and Medicaid Services (CMS) advised the State Agency to revise the Title XIX Medicaid State Plan to add specific reimbursement methodology language for School-Based Wellness Center Services.

School-Based Wellness Center Services, operated by the Division of Public Health in Delaware schools, are reimbursed a single rate once each benefit year for any client served in one of the school-based clinics. The single rate is based on prior year statewide costs of all School-Based Wellness Centers.

No change will be made to the services provided under the school-based wellness services benefit.

The provisions of this amendment are subject to approval by the Centers for Medicare and Medicaid Services (CMS).

This emergency regulation is also published concurrently herein under "Proposed Regulations" to allow for public comment.

Findings of Fact:

The Department finds that a compelling public interest exists which necessitates promulgation of an emergency regulation and requests emergency approval of this state plan amendment to add specific reimbursement methodology language for School-Based Wellness Center Services. The Department will receive, consider, and respond to petitions by any interested person for the reconsideration or revision thereof.

THEREFORE, IT IS ORDERED, to assure compliance with relevant Federal Medicaid rules, that the proposed revisions to the Title XIX Medicaid State Plan regarding School-Based Wellness Center Clinic Services be adopted on an emergency basis without prior notice or hearing.

**DMMA EMERGENCY ORDER REGULATIONS #08-03
REVISIONS:**

ATTACHMENT 3.1-A
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STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
State/Territory: DELAWARE

AMOUNT, DURATION AND SCOPE OF MEDICAL AND REMEDIAL CARE AND SERVICES PROVIDED TO THE
CATEGORICALLY NEEDY

9. Clinic Services

Clinic services are limited to the following:

- ~~m~~Medical or rehabilitation clinics (including Mental Health clinics which require certification by the Division of Substance Abuse and Mental Health (DSAMH) as part of the Single State Agency for Medicaid) and
- State Licensed Free Standing Surgical Centers (FSSCs) which equate to Federally defined Ambulatory ~~s~~Surgical Centers (ACSS) using related policies for ACSs described in Sections 2265 and 2266 of the Medicare Carriers Manual.
- School-Based Wellness Center Clinic Services that provide primary prevention and early intervention services, including physical examinations, treatment of acute medical problems, community referrals, counseling and other supportive services to children in school or educational settings.

(Break In Continuity of Sections)

ATTACHMENT 4.19-B
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Medical/Dental free-Standing Clinics are paid either a negotiated flat rate or as physicians are paid (see above). School-Based Wellness Center Services, operated by the Division of Public Health in Delaware schools, are reimbursed a single rate once each benefit year for any client served in one of the school-based clinics. The single rate is based on prior year statewide costs of all School-Based Wellness Centers.

11 DE Reg. 1097 (03/01/08) (Emer.)