

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

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

PROPOSED

PUBLIC NOTICE

1915(c) Home and Community-Based Services Waiver for the Elderly and Disabled

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code), under the authority of Title 31 of the Delaware Code, Chapter 5, Section 512, and, in compliance with State Notice procedures as set forth in the Federal Register, September 27, 1994, Delaware Health and Social Services (DHSS) / Division of Medicaid and Medical Assistance (DMMA) will submit an application to the Centers for Medicare and Medicaid Services (CMS) for renewal of its 1915(c) Home and Community-Based Services waiver entitled, Elderly and Disabled Services Program, for an additional five years.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs or other written materials concerning extension of the this waiver must submit same to Sharon L. Summers, Planning & Policy Development Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906 or by fax to (302) 255-4425 by May 31, 2009. A copy of the draft waiver application is available upon request.

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 proposed provides notice to the public that the Division of Medicaid and Medical Assistance (DMMA) announces its intent to submit to the Centers for Medicare and Medicaid Services (CMS) the State's application for a renewal of Delaware's Home and Community-Based Services waiver entitled, Elderly and Disabled Services Waiver Program, for an additional five years. This request is being filed pursuant to Section §1915(c) of the Social Security Act.

Statutory Authority

- Social Security Act §1915(c), *Provisions Respecting Inapplicability and Waiver of Certain Requirements of this Title;*
- 42 CFR §441, Subpart G, *Home and Community-Based Services Waiver Requirements*

Background

The Medicaid Home and Community-Based Services (HCBS) waiver program is authorized in §1915(c) of the Social Security Act. The program permits a State to furnish an array of home and community-based services that assist Medicaid beneficiaries to live in the community and avoid institutionalization. The State has broad discretion to design its waiver program to address the needs of the waiver's target population. Waiver services complement and/or supplement the services that are available to participants through the Medicaid State plan and other federal, state and local public programs as well as the supports that families and communities provide.

The Centers for Medicare and Medicaid Services (CMS) recognizes that the design and operational features of a waiver program will vary depending on the specific needs of the target population, the resources available to the State, service delivery system structure, State goals and objectives, and other factors. A State has the latitude to design a waiver program that is cost-effective and employs a variety of service delivery approaches, including participant direction of services.

Delaware's Elderly & Disabled (E&D) Waiver was originally approved in 1985. Newly-established waiver programs are in effect for a period of three years, and existing waivers are in effect for five years. The E&D Waiver is approaching the conclusion of its current five-year effective period. The current demonstration, project #0136.90, is in effect through June 30, 2009. In order to continue providing services under this waiver after June 30, 2009, Delaware must submit a renewal application to the Centers for Medicare and Medicaid Services (CMS).

Summary of Proposal

The Division of Medicaid and Medical Assistance (DMMA) is in the process of renewing its home and community-based waiver for elderly and disabled waiver services and is announcing a thirty-day public comment period on the waiver extension. The State intends no significant changes in benefits or the population served during the renewal period.

Eligibility requirements, types of services provided, number of available slots, and other key program elements will remain the same. One new development for this renewal, however, is the implementation of a more extensive quality improvement strategy. Since the last renewal application several years ago, CMS has increased requirements for states to develop and implement quality improvement strategies for waiver programs. This renewal application conforms to these requirements and contains provisions for various aspects of a quality improvement strategy, including data collection, data aggregation, and remediation & improvement methodologies. Responsibility for the quality improvement strategy lies with the Division of Services for Aging and Physical Disabilities (DSAAPD), the E&D Waiver administering/operating agency, and the Division of Medicaid and Medical Assistance (DMMA), the oversight agency. The direct impact of the quality improvement strategy on participants and providers will be minimal. (Providers and a sample of participants will be asked questions during brief telephone surveys conducted annually.) Indirectly, all parties involved should benefit from improved efficiency and service delivery approaches which are expected results from the quality improvement strategy.

The renewal application proposes that Delaware will continue providing services under the E&D Waiver from July 1, 2009 through June 30, 2014.

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

*** PLEASE NOTE: THE APPLICATION IS AVAILABLE IN PDF FORMAT AT THE FOLLOWING LINK:**

[1915\(c\) Home and Community-Based Services Waiver for the Elderly and Disabled](#)

12 DE Reg. 1362 (05/01/09) (Prop.)