

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

Proposed Amendment to the DDDS HCBS Waiver to Create the Lifespan Waiver

HOME AND COMMUNITY-BASED SERVICES WAIVER AMENDMENT

In accordance with the public notice requirements of 42 CFR 441.304(e) and (f) 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 an amendment to the DDDS HCBS Medicaid Waiver authorized under section 1915(c) of the Social Security Act.

Purpose

The purpose of this posting is to provide public notice and elicit public input regarding Delaware's proposed amendment to its current HCBS Waiver that serves individuals with intellectual and developmental disabilities (IDD) to create the Lifespan Waiver.

Overview and Summary of Proposed Lifespan Waiver Amendment

Delaware proposes to amend the 1915(c) DDDS Waiver to change the criteria for prioritizing entry into the waiver and to increase the waiver enrollment limits to include people with IDD living at home with their family. The amended waiver will be called the "Lifespan Waiver." Delaware also proposes to add new family support services designed to meet the needs of individuals living with their family to the current menu of waiver services. New services to be added to current waiver are:

- community living support (includes respite and other types of personal care) which includes a self-directed option
- home and vehicle modifications
- assistive technology
- specialized equipment and supplies

All the services Delaware proposes adding to the current waiver are compliant with the CMS HCBS Rule. The current waiver services are covered under Delaware Statewide Transition Plan for the CMS Settings Rule that recently received initial approval from CMS. Delaware renames the "DDDS Waiver" to the "DDDS Lifespan Waiver" to reflect the continuum of waiver enrollment across the lifespan of the recipients.

The source of funds for the state share of the cost of this amendment will be state funds that are already appropriated to DDDS and to DMMA and that are currently being spent on services for this population. There will be no additional cost to the general fund for this amendment if it is approved by CMS.

Background

The Epilogue of the FY15 and 16 Budget Acts directed DDDS to plan for a "Family Support Waiver". During the planning phase, DDDS determined that it would be more efficient to amend the current DDDS HCBS Waiver to increase the enrollment cap and to add services targeted to individuals living in the family home rather than to create a new stand-alone waiver application.

Public Comment Submission Process

As required by 42 CFR Part 441.304, DHSS/DMMA must establish and use a public input process for any changes in the services or operation of the waiver. Per Del. Code, Title 29, Ch. 101 §10118 (a), The opportunity for public comment shall be held open for a minimum of 30 days after the proposal is published in the *Register of Regulations*. The opportunity for public written comment shall be extended for a minimum of 15 days after the final public hearing when 1 or more public hearings are held on the proposal. The public is invited to review and comment on the proposed Lifespan Waiver Amendment. Comments must be received by 4:30 p.m. on December 19, 2016. Comments may be submitted in the following ways:

This public notice, the Amendment, and a summary of the Amendment are posted online at:

<http://www.dhss.delaware.gov/dhss/dmma/>

and

<http://dhss.delaware.gov/dhss/ddds/index.html>

The DDDS website will indicate the locations at which the hardcopy can be viewed.

Individuals may submit written comments using one or all of the following methods:

By email: **DMMA_PublicHearing@state.de.us**

(Please identify in the subject line: *DDDS Lifespan Waiver Amendment*)

By fax: 302-255-4481 to the attention of Glyne Williams

By written comments sent to:

DDDS Lifespan Waiver Amendment
Division of Medicaid and Medical Assistance
Planning, Policy & Quality Unit
1901 North DuPont Highway
P.O. Box 906
New Castle, Delaware 19720-0906

The hardcopy waiver amendment will be available at the following locations from November 1 - December 19, 2016:

- DDDS Fox Run Office at: 2540 Wrangle Hill Road, Suite 200, Bear, DE 19701
- Thomas Collins Building at: 540 South Dupont Hwy, 1st Floor, Dover, DE 19901
- At the Woodbrook Office at: 1056 S. Governors Ave, Dover, DE 19904
- On the Stockley Center campus at: 26351 Patriots Way, Georgetown, DE 19947 - 101 Lloyd Lane and 101 Boyd Blvd.

Public Hearings

Notice will be published regarding the amendment in the November 1, 2016 Delaware Register of Regulations.

The comment period begins on November 1, 2016 and ends on December 19, 2016.

This timeframe allows an additional period of 15 days for the public to comment after the last public meeting.

The public will have the opportunity to comment using the process described in the *Register* notice.

Following the comment period, the State reviews, considers, and responds to all comments received.

Dates and Locations for Public Meetings for the Lifespan Waiver Amendment

1. **NEW CASTLE COUNTY**

Monday, November 28, 2016, 6-7PM

Fox Run Large Training Conference Room 2nd floor
2540 Wrangle Hill road
Suite 200
Bear, DE 19701

2. **Sussex County**

Tuesday November 29, 2016, 1-2 pm

Thurman Adams State Service Center Conference Room 100
544 South Bedford Street
Georgetown, DE 19947

3. **KENT COUNTY**

Wednesday, November 30, 2016, 3-4 pm

Dover Public Library Multi-Purpose Room A
15 Loockerman Plaza
Dover, DE 19901

Any public feedback received will be summarized including any changes that will be made as a result of the public comment to the proposed Lifespan Waiver Amendment that will be submitted to CMS.

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 or e-mail the following contact at least ten (10) days prior to the hearing for arrangements: Lauren Gunton at (302) 255-9561; lauren.gunton@state.de.us

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

Stephen M. Groff, Director

Division of Medicaid and Medical Assistance
10/5/2016

20 DE Reg. 378 (11/01/16) (Gen. Notice)