

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

**FINAL**

**ORDER**

**Ground Emergency Medical Transportation (GEMT)**

**NATURE OF THE PROCEEDINGS:**

Delaware Health and Social Services ("Department") / Division of Medicaid and Medical Assistance initiated proceedings to amend Title XIX Medicaid State Plan regarding Ground Emergency Medical Transportation (GEMT), specifically, to increase Medicaid reimbursement for emergency transportation providers. The Department's proceedings to amend its regulations were initiated pursuant to 29 **Del.C.** §10114 and its authority as prescribed by 31 **Del.C.** §512.

The Department published its notice of proposed regulation changes pursuant to 29 **Del. C.** §10115 in the September 2023 *Delaware Register of Regulations*, requiring written materials and suggestions from the public concerning the proposed regulations to be produced by October 1, 2023, at which time the Department would receive information, factual evidence and public comment to the said proposed changes to the regulations.

**SUMMARY OF PROPOSAL**

The purpose of this notice is to advise the public that Delaware Health and Social Services (DHSS)/Division of Medicaid and Medical Assistance (DMMA) is proposing to amend Title XIX Medicaid State Plan regarding Ground Emergency Medical Transportation (GEMT).

**Background**

Delaware legislature has introduced a bill to revise Medicaid reimbursement for emergency transportation services (GEMT), effective in SFY 2024. In its current form, this legislation calls for increasing the present percentages of the Medicare rates that Medicaid pays for the services to 75% of Medicare across the board.

The amendment is needed to adjust for changes in the percentages of Medicare rates on which Medicaid bases its reimbursement; this is in response to a Delaware state legislated requirement to increase emergency transportation reimbursement. The proposed changes will allow for the update in reimbursement at this time and will provide greater flexibility for Medicaid to implement future changes without the need for future amendments.

**Statutory Authority**

42 C.F.R § 430.10 and § 447.201

**Purpose**

The purpose of this proposed regulation is to update Ground Emergency Medical Transportation (GEMT), specifically, to increase Medicaid reimbursement for emergency transportation providers.

*Summary of Proposed Changes*

Effective July 1, 2023, the DHSS/DMMA proposes to amend Attachment 4.19-B page 3 of the Title XIX Medicaid State Plan to increase Medicaid reimbursement for emergency transportation providers.

*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 440.386 and the state public notice requirements of Title 29, Chapter 101 of the **Delaware Code**, DHSS/DMMA gave public notice and provided an open comment period for 30 days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments were to have been received by 4:30 p.m. on October 1, 2023.

*Centers for Medicare and Medicaid Services Review and Approval*

The provisions of this state plan amendment (SPA) are subject to approval by the Centers for Medicare and Medicaid Services (CMS). The draft SPA page(s) may undergo further revisions before and after submittal to CMS based upon

public comment and/or CMS feedback. The final version may be subject to significant change.

### *Provider Manuals and Communications Update*

Also, there may be additional provider manuals that may require updates as a result of these changes. The applicable Delaware Medical Assistance Program (DMAP) Provider Policy Specific Manuals and/or Delaware Medical Assistance Portal will be updated. Manual updates, revised pages or additions to the provider manual are issued, as required, for new policy, policy clarification, and/or revisions to the DMAP program. Provider billing guidelines or instructions to incorporate any new requirement may also be issued. A newsletter system is utilized to distribute new or revised manual material and to provide any other pertinent information regarding DMAP updates. DMAP updates are available on the Delaware Medical Assistance Portal website: <https://medicaid.dhss.delaware.gov/provider>

### **Fiscal Impact**

	Federal Fiscal Year 2024	Federal Fiscal Year 2025
General (State) funds	\$309,000	\$312,000
Federal funds	\$457,800	\$462,500

### **Summary of Comments Received with Agency Response and Explanation of Changes**

**Comment:** There was a comment supporting the proposed changes.

**Agency response:** DMMA appreciates the support.

DMMA is pleased to provide the opportunity to receive public comments and greatly appreciates the thoughtful input given by:

- Governor's Advisory Council for Exceptional Citizens (GACEC)

#### FINDINGS OF FACT:

The Department finds that the proposed changes as set forth in the September 2023 *Register of Regulations* should be adopted.

THEREFORE, IT IS ORDERED, that the proposed regulation to amend Title XIX Medicaid State Plan regarding Ground Emergency Medical Transportation (GEMT), specifically, to increase Medicaid reimbursement for emergency transportation providers and shall be final effective November 11, 2023.

10/13/2023 | 7:48 PM EDT

Date of Signature

Josette D. Manning Esq., Secretary, DHSS

### **Ground Emergency Medical Transportation (GEMT)**

**\*Please Note: Due to the formatting requirements of the regulation, it is being attached here as a PDF document:**

**<http://regulations.delaware.gov/register/november2023/final/4.19-B page 3 Amended--.pdf>**

**27 DE Reg. 340 (11/01/23) (Final)**