

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

PUBLIC NOTICE

Proposed Renewal for the DDDS Lifespan Waiver

HOME AND COMMUNITY-BASED SERVICES WAIVER

In accordance with the public notice requirements of 42 CFR 441.304(d)(1), 42 CFR 441.304(e), and 42 CFR 441.304(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 the renewal of 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 renewal of its current 1915 (c) HCBS Lifespan Waiver that serves individuals with intellectual and developmental disabilities (IDD).

Overview and Summary of the Lifespan Waiver Amendment

Delaware proposes to renew the DDDS waiver that has been in continuous operation since 1987. The waiver must be renewed every five years. Any changes during those five years must be made through an amendment to the current approved waiver. The DDDS waiver is targeted to individuals with intellectual developmental disabilities (IDD) (including brain injury), autism spectrum disorder, and Prader-Willi Syndrome. It provides services and supports as an alternative to institutional placement and promotes independence, enables the individual to live "their good life" safely in the community, encourages community engagement, and respects and supports their desire to work or engage in other productive activities.

Change(s) to the current waiver include:

- Updating language regarding background checks to implement certain flexibilities approved by CMS during the public health emergency.
- Increasing the combined Respite and Personal Care service budget from \$3,500 per person to \$5,000 per person annually.
- Increasing the current Home and Vehicle Accessibility Adaptations budget from \$6,000 per member every 5 years (inclusive of both services) to \$10,000 per member every 5 years (inclusive of both services).
- Adding a new provider type to Assistive Technology, Home and Vehicle Accessibility Adaptations, and Specialized Medical Equipment and Supplies.
- Adding a new provider type for Residential Habilitation-Shared Living.
- Adding the option of providing specific activities virtually for Supported Employment (Individual), Behavioral Consultation, and Nurse Consultation.
- Removing language from Appendix C (Prevocational Services) that reference payments of sub-minimum wages.
- Other technical changes related to state procedure/policy changes and for purposes of clarification and grammar.

Background

Delaware has operated a Home and Community Based Services (HCBS) Waiver for individuals with intellectual and developmental disabilities continuously since 1987. The authority under the Social Security Act that allows HCBS waivers to be created requires that each waiver be renewed every five years.

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 15, 2023. Individuals may submit written comments using one or all the following methods:

By email: DHSS_DMMA_Publiccomment@Delaware.gov
(Please identify in the subject line: DDDS Lifespan Waiver Amendment)

By fax: 302-255-4481 to the attention of Melissa Dohring

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

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

<https://dhss.delaware.gov/dhss/dmma/homeandc.html>

The DMMA and DDDS websites will indicate the locations at which the hardcopy can be viewed.

The hardcopy waiver amendment will be available at the following locations from November 1, 2023, through December 15, 2023.

- 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
- Woodbrook Office at: 1056 S. Governors Ave, Dover, DE 19904
- 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, 2023, Delaware Register of Regulations with a link to the website where the complete application may be found. The comment period begins on November 1, 2023, and ends on December 15, 2023.

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 Hearings for the Lifespan Waiver Renewal-

New Castle County

- **November 20, 2023**

10:00 am- 11:00 am

Delaware State Patrol, Troop 2

100 Corporal Stephen J. Ballard Way

Newark, DE 19702

***If you would prefer to participate virtually:**

Via Zoom:

<https://ddds.zoom.us/j/84687310917>

833 548 0282 US Toll-free

Meeting ID: 846 8731 0917

Kent County

• **November 21, 2023**

2:00 pm- 3:00 pm

Kent County Public Library

497 S. Red Haven Lane

Dover, DE 19901

***If you would prefer to participate virtually:**

Via Zoom:

<https://ddds.zoom.us/j/82054612719>

833 548 0282 US Toll-free

Meeting ID: 820 5461 2719

Sussex County

• **November 22, 2023**

6:00 pm - 7:00 pm

Georgetown Public Library

123 W. Pine Street

Delaware Room

Georgetown, De 19947

***If you would prefer to participate virtually:**

Via Zoom:

<https://ddds.zoom.us/j/86841187213>

833 548 0282 US Toll-free

Meeting ID: 868 4118 7213

DDDS will summarize any public feedback received including any changes it has made as a result of the public comment to the proposed Lifespan Waiver Renewal that will be submitted to CMS.

If you require special assistance and/or services to participate in the public hearing (e.g., sign language interpretation or other translation services, etc.) please call or e-mail the following contact at least ten (10) days prior to the hearing for arrangements: Kami Giglio at 302-387-7388 or Kamin.Giglio@delaware.gov.

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

Theodore G. Mermigos, Jr.
Acting Division Director
Division of Medicaid and Medical Assistance

Date 10/13/2023 | 9:15 AM EDT

27 DE Reg. 350 (11/01/23) (Gen. Notice)