

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

STATEWIDE TRANSITION PLAN
HOME AND COMMUNITY-BASED SERVICES SETTINGS
TRANSITION PLAN UPDATES

In accordance with the public notice requirements of 42 CFR 441.301(6)(B)(iii), 42 CFR 441.710(3)(iii), 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 state's plan to comply with new federal regulations governing the settings in which the delivery of services to Medicaid Home and Community-Based Services (HCBS) waiver recipients may be provided.

Purpose

The purpose of this posting is to provide public notice and elicit public input for consideration regarding Delaware Medicaid's Proposed Home and Community-Based Services (HCBS) Settings Statewide Transition Plan (the Plan), specifically the Plan updates.

Overview

The Centers for Medicare and Medicaid Services (CMS) published regulations in the Federal Register (42 CFR 441.301(c)(4)-(6) on January 16, 2014, effective March 17, 2014, which changed the definition of Home and Community-Based Services (HCBS) settings. Because Delaware's 1115 Demonstration refers to the 1915(c) authority for HCBS services, the state must comply with these regulatory changes. Delaware does not have a 1915(k) waiver. The Plan must describe the process by which the state will ensure that service settings used in each of its home and community-based waivers meet "community-like" expectations. The final rule provides for a five-year transition process that will allow states to implement this rule in a manner that supports continuity of services for Medicaid recipients and minimizes disruptions in service during implementation; as such, all such services must be in compliance with CMS requirements before March 2019.

For additional information about the CMS HCBS final rule, use the following link to the CMS website:

<http://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Long-Term-Services-and-Supports/Home-and-Community-Based-Services/Home-and-Community-Based-Services.html>.

Delaware Health and Social Services (DHSS)/Division of Medicaid and Medical Assistance (DMMA) previously provided an opportunity for comment on Delaware's HCBS Transition Plan.

Transition Plan Update

The Department of Health and Social Services (DHSS) is updating the Delaware Statewide Transition Plan (the Plan) to reflect the current status of implementation activities as of September 2016. We direct you to the following sections of the Plan that contain updated information:

- Amendment to the Statewide Transition Plan including Milestones starting on page 16
- Statewide Transition Plan
- Attachment 6 updated state systemic assessments by settings 7-11-2016;
- DDDS State Self-Assessment Evidence of Compliance
- CMS DE STP Initial Approval Letter (including Attachment I-Summary of Technical Changes Made By State of Delaware to Its Systemic Assessment & Remediation Strategy... and Attachment II-Additional CMS Feedback on Areas Where Improvement Is Needed In Order to Receive Final Approval...)

Moving forward, we plan to update the Plan as needed to reflect the status of implementation activities as they occur.

Draft of Proposed Statewide 1915 HCBS Settings Transition Plan Update

This public notice, the updated Plan, and other related information is posted online at: http://dhss.delaware.gov/dhss/dmma/hcbs_trans_plan.html. Delaware will be submitting its updated Plan to CMS by November 18, 2016.

Hard copies are available by contacting Lauren Gunton at lauren.gunton@state.de.us.

Hard copies are available for review at the Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, Holloway Campus, Lewis Building, Conference Room 198, New Castle, Delaware 19720 from 8:00 a.m. – 4:30 p.m.

Public Hearings

DHSS/DMMA will provide the following opportunities to the public to provide input on the proposed (HCBS) Settings Transition Plan Updates in person. Three (3) public hearings are scheduled. The detailed information for each public hearing is shown below.

1. **NEW CASTLE COUNTY**
Monday, October 24, 2016
12:00pm – 2:00pm
Delaware State Police
Troop 2
Robert Paris Community Room
100 Lagrange Avenue
Newark, Delaware 19702
Phone: 302-834-2620 - main line
(Visitor parking is in the front of the building)

2. **Sussex County**
Tuesday, October 25, 2016
9:30am-11:30pm
Thurman Adams State Service Center
(Formerly, Georgetown State Service Center)
546 South Bedford Street
Georgetown, Delaware 19947
Phone: 302-856-5211 or 302-856-5574
(Visitor parking is designated by signs and is close to the entrance of the building)

3. **Kent County**
Tuesday, October 25, 2016
1:30pm – 3:30pm
Delaware Department of Transportation
Administration Center
800 Bay Road
Dover, Delaware 19901
Phone: 302-760-2000
(Visitor parking is in the front of the building)

The State will take verbal and written comments at the public hearings. The input provided will be summarized and used to formulate Delaware's final statewide transition plan 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 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.

Public Comment Submission Process

As required by 42 CFR Part 441.301, DHSS/DMMA must provide, at a minimum, a thirty-day public notice and comment period. Per Del. Code, Title 29, Ch. 101 §10118(a), the public comment period will be extended to 15 days after the final public hearing. The public is invited to review and comment on the State's proposed Transition Plan Updates.

Comments must be received by 4:30 p.m. on November 9, 2016. Comments and input regarding the draft transition plan may be submitted in the following ways:

By email: DMMA_PublicHearing@state.de.us or DHSS_HCBSTransition@state.de.us

By fax: 302-255-4481 to the attention of HCBS Transition Plan Updates

By written comments sent to:

HCBS Transition Plan Updates
Division of Medicaid and Medical Assistance
Planning, Policy & Quality Unit
1901 North DuPont Highway
P.O. Box 906
New Castle, Delaware 19720-0906

Please identify in the subject line: Draft Home and Community-Based Services (HCBS) Settings Transition Plan Updates.

The summary of comments, in addition to a summary of modifications made in response to the public comments, will be added to the Delaware's updated HCBS Transition Plan. The state will post on the **DMMA website** (<http://www.dhss.delaware.gov/dhss/dmma/>) a summary of public comments and our responses and, the final updated transition plan with any modifications after the receipt of public comments.

Stephen M. Groff, Director
Division of Medicaid and Medical Assistance
September 14, 2016

20 DE Reg. 314 (10/01/16) (Gen. Notice)