

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

Statutory Authority: 31 Delaware Code, Ch. 5, §512 (31 Del.C., Ch. 5, §512)

PROPOSED

PUBLIC NOTICE

Diamond State Health Plan 1115 Demonstration Waiver

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of Title 31 of the **Delaware Code**, Chapter 5, Section 512, Delaware Health and Social Services (DHSS) / Division of Medicaid and Medical Assistance (DMMA) intends to submit an application to the Centers for Medicare and Medicaid Services (CMS) to renew Delaware's Section 115 demonstration waiver, entitled "Diamond State Health Plan" for an additional three years.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs or other written materials concerning the proposed new regulations 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 September 30, 2009. The draft Diamond State Health Plan 1115 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

Statutory Authority

- 42 U.S.C. §1315, Demonstration projects
- Social Security Act §1115, Demonstration projects

Background

Under a waiver of Section 1115(a) of the Social Security Act, the Diamond State Health Plan (DSHP) implemented a mandatory Medicaid managed care demonstration program statewide on January 1, 1996. Using savings achieved under managed care, Delaware expanded Medicaid health coverage to additional low-income adults in the State with incomes less than 100% of the Federal Poverty Level (FPL).

Goals of the DSHP are to improve and expand access to health care to more adults and children throughout the State, create and maintain a managed care delivery system emphasizing primary care, and to strive to control the growth of health care expenditures for the Medicaid population.

The current demonstration project #11-W-0063/4 is scheduled to expire on December 31, 2009. In order to continue the significant progress towards achieving the DSHP's goals, Delaware is preparing a request to extend the DSHP for an additional three years from **January 1, 2010 through December 31, 2012**.

Summary of Proposal

The Division of Medicaid and Medical Assistance (DMMA) plans to request federal approval for a three-year extension of its 1115 Demonstration Waiver Project, entitled "Diamond State Health Plan". As such, DMMA is announcing a thirty-day comment period on this request for extension. The application to renew documents how the State has met its goals of improving access to services, expanding coverage to additional populations and substantially improving quality of care for eligible individuals enrolled in the Diamond State Health Plan (DSHP). The State intends to submit the waiver renewal with no changes to the DSHP during the renewal period.

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

Fiscal Impact Statement

This waiver renewal maintains cost neutrality for each year in the three-year renewal period covering January 1, 2010 through December 31, 2012. A function of this waiver is to assure that coverage of the expanded population will be budget neutral. In other words, the cost of covering this population, as well as the Medicaid eligible population, will be no more than if the DHSS had continued covering only its Medicaid population under the traditional fee-for-service program.

13 DE Reg. 370 (09/01/09) (Prop.)