

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

**PROPOSED**

**PUBLIC NOTICE**

**Ground Emergency Medical Transportation (GEMT)**

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of 31 **Del.C.** §512, Delaware Health and Social Services ("Department") / Division of Medicaid and Medical Assistance (DHSS/DMMA) is proposing to amend Title XIX Medicaid State Plan regarding Ground Emergency Medical Transportation (GEMT), specifically, to increase Medicaid reimbursement for emergency transportation providers.

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, Planning and Policy Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to [DHSS\\_DMMA\\_Publiccomment@Delaware.gov](mailto:DHSS_DMMA_Publiccomment@Delaware.gov), or by fax to 302-255-4413 by 4:30 p.m. on October 1, 2023. Please identify in the subject line: Ground Emergency Medical Transportation (GEMT)

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**

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).

**Statutory Authority**

- 42 C.F.R § 430.10 and § 447.201

**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.

**Summary of Proposal**

*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 in 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 gives public notice and provides an open comment period for 30 days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments must be 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 provide 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

**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/september2023/proposed/Attachment 4.19-B page 3 Amended.pdf>**

**27 DE Reg. 149 (09/01/23) (Prop.)**