

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

GENERAL NOTICE

Mental Health Parity and Addiction Equity Act

Delaware Health and Social Services (DHSS)/Division of Medicaid and Medical Assistance (DMMA) is providing a public notice related to the state's plan to comply with new federal regulations governing the application of the Mental Health Parity and Addiction Equity Act (MHPAEA) to Medicaid and the Children's Health Insurance Program (CHIP).

Purpose

The purpose of this posting is to provide public notice and receive public input for consideration regarding Delaware's compliance with the final rule applying the Mental Health Parity and Addiction Equity Act (MHPAEA) to coverage provided to Medicaid Managed Care Organization (MCO) enrollees and coverage provided by the Children's Health Insurance Program (CHIP) and Medicaid Alternative Benefit Plans (ABPs).

Overview

The Centers for Medicare & Medicaid Services (CMS) issued a final rule that applies MHPAEA requirements to Medicaid MCOs, CHIP, and ABPs. Delaware and contracted MCOs must comply with the final Medicaid/CHIP parity rule on or before October 2, 2017.

The final Medicaid/CHIP parity rule requires that coverage provided to MCO enrollees, CHIP beneficiaries, and ABP beneficiaries for mental health and substance use disorders be no more restrictive than coverage for medical/surgical conditions. This requirement applies to:

- Financial requirements (e.g., co-payments)
- Quantitative treatment limitations (e.g., unit, hour, day or visit limits)
- Non-quantitative treatment limitations (e.g., prior authorization, formulary design for prescription drugs, and provider network admission requirements)

For additional information about the CMS final Medicaid/CHIP parity rule, use the following link to the CMS website: <https://www.medicaid.gov/medicaid/benefits/bhs/index.html>

Public Comment Submission Process

DHSS/DMMA gives public notice and provides an open comment period for thirty (30) days to allow all stakeholders an opportunity to provide input on the final Medicaid/CHIP parity rule. The comment period begins on August 1, 2017 and ends on September 11, 2017.

Comments and input may be submitted in the following ways:

By email: Nicole.M.Cunningham@state.de.us
By fax: 302-255-4413 to the attention of Nicole Cunningham
By mail: Nicole Cunningham
Division of Medicaid and Medical Assistance
Planning, Policy & Quality Unit
1901 North DuPont Highway
P.O. Box 906
New Castle, Delaware 19720-0906

This notice shall appear for one (1) day only. Please identify in the subject line: Mental Health Parity and Addiction Equity Act.

Public Hearings

DHSS/DMMA will provide the following opportunities to the public to provide input on the proposed documentation of compliance with the Medicaid/CHIP parity rule in person. Three (3) public hearings are scheduled. The detailed information for each public hearing is shown below.

1. **NEW CASTLE COUNTY**

Date: August 25, 2017
TIME: 1:00 PM - 2:00 PM
LOCATION: DDDS Fox Run Center
2540 Wrangle Hill Road
Suite 200, Bear, DE 19701

2. **KENT COUNTY**

Date: August 22, 2017
TIME: 1:00 PM - 2:00 PM
LOCATION: Legislative Hall
411 Legislative Avenue
Dover, DE 19901

SUSSEX COUNTY

Date: August 22, 2017
TIME: 9:30 AM - 10:30 AM
LOCATION: Thurman Adams State Svc Center
546 S. Bedford St.
Georgetown, DE 19947

The State will take verbal and written comments at the public hearings. The input provided will be used to formulate Delaware's final documentation of compliance with the Medicaid/CHIP parity rule, which will be posted on the DHSS/DMMA website.

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

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

The state will post on the DMMA website the final documentation of compliance with the Medicaid/CHIP parity rule, with any modifications, by October 2, 2017.

Stephen M. Groff
Director
Division of Medicaid and Medical Assistance

July 10, 2017
Date

21 DE Reg. 158 (08/01/17) (Gen. Notice)