

**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**

**NOTICE**

**Delaware Diamond State Health Plan  
1115 Demonstration Waiver Amendment**

In accordance with the public notice requirements of 42 CFR 441.304 (d1)(e) and (f) and the *state* public notice requirements of Title 29, Chapter 101 of the **Delaware Code**, Delaware Health and Social Services (DHSS)/Division of Medicaid and Medical Assistance (DMMA) gives notice of its intent to file an application with the Centers for Medicare and Medicaid Services (CMS) to amend Delaware's Section 1115 Diamond State Health Plan (DSHP) Demonstration Waiver to add four additional Medicaid benefits and incorporate these benefits into managed care by January 1, 2023.

**Purpose**

The purpose of this posting is to provide public notice and receive public input for consideration regarding Delaware's Diamond State Health Plan (DSHP) 1115 Waiver amendment, which will add, effective January 1, 2023, four additional Medicaid services under the authority of the DSHP 1115 Waiver and incorporate these services into the DSHP and DSHP Plus managed care delivery system. These new services include:

- (1) Coverage of two models of evidenced-based home visiting for pregnant women and children;
- (2) Permanent coverage for a second home-delivered meal for members receiving home- and community-based services (HCBS) in DSHP Plus;
- (3) Coverage of a pediatric respite benefit as an American Rescue Plan Act (ARP) Section 9817 Medicaid HCBS Spending Plan initiative; and
- (4) Adding a self-directed option for parents on behalf of certain children and young adults receiving State Plan personal care services.

**DSHP 1115 Waiver Program: Waiver Amendment Description, Goals and Objectives**

The Delaware DHSS/DMMA is requesting an amendment to the DSHP 1115 Waiver to include these four new waiver services identified in response to Delaware's efforts to improve maternal child health and to support Delaware Medicaid beneficiaries and families who rely on home and community based services. The following is a summary description of these new benefits:

- (1) **Evidence-based Home Visiting Models** - To improve maternal and child health outcomes, Delaware Medicaid is proposing to add coverage of two models of evidenced-based home visiting for pregnant women and children under the age of two who meet enrollment criteria established by Nurse Family Partnership and Healthy Families of Delaware.
- (2) **HCBS home-delivered meals** - To address the risk of food insecurity among DSHP Plus members who rely on home and community based services, Delaware Medicaid is seeking permanent authority from CMS for coverage of up to two home-delivered meals. Delaware currently covers this second meal under temporary authority from CMS that will expire six months after the end of the COVID-19 public health emergency.
- (3) **Pediatric respite** - In response to the needs of Delaware families, Medicaid is proposing to add coverage of a pediatric respite benefit. This benefit will be funded initially as an initiative under the American Rescue Plan Act (ARP) Section 9817 HCBS Spending Plan authority. Respite will be provided for children and young adults up to age 21 who are not receiving respite through DSHP Plus, PROMISE or the Lifespan Waiver. This new pediatric respite benefit will be provided for children with a physical health or behavioral health condition affecting their ability to care for themselves and will be furnished on a short-term basis to allow temporary relief from caretaking duties for the child's primary unpaid caregiver, parent, court-appointed guardian, or foster parent.
- (4) **Self-directed personal care/attendant care for children** - In response to the needs of Delaware families, including parents and guardians serving children with complex medical conditions, Medicaid is seeking authority to give parents/guardians the option to self-direct the Medicaid State Plan personal care (attendant care) received by their child or young adult up to age 21. This self-directed option will give families the flexibility to hire, for example, a neighbor, friend, or family member, including a legally responsible family member as the service provider, as long as the individual meets all employee qualifications as verified by the DSHP MCO.

This 1115 waiver amendment will enable Delaware to improve health outcomes for pregnant women and young children, to

address food insecurity among seniors and individuals with disabilities who rely on home and community based services, and to expand access to respite and personal care services for families caring for children and young adults.

### **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 and the state public notice requirements of Title 29, Chapter 101 of the **Delaware Code**, DHSS/DMMA is providing an open comment period to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments must be received by 4:30 p.m. on June 10, 2022.

Individuals may submit written comments using one or all of the following methods:

By email: [DMMA\\_PublicHearing@delaware.gov](mailto:DMMA_PublicHearing@delaware.gov)

(Please identify in the subject line: *1115 Demonstration Waiver Amendment*)

By fax: 302-255-4481 to the attention of Kimberly Xavier

By written comment:

1115 Demonstration 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

An electronic copy of waiver amendment can be found at:

<http://dhss.delaware.gov/dhss/dmma/medicaid.html>

The hardcopy waiver amendment will be available by request via email: [DMMA\\_PublicHearing@delaware.gov](mailto:DMMA_PublicHearing@delaware.gov)

(Please identify in the subject line: 1115 Demonstration Waiver Amendment)

### **Public Meetings**

DHSS/DMMA will hold two public meetings with opportunity for public comment, as listed below:

#### **New Castle County**

May 18, 2022

Virtual Meeting

9:00 am - 11:00 am

Via Zoom:

<https://zoom.us/j/99696774582?pwd=SDJCcGpVamx3Sy9jMkRiNXpJaStNdz09>

Meeting ID: 996 9677 4582

Passcode: 080737

+13017158592 99696774582#

#### **Kent County**

May 24, 2022

2:00 pm- 3:30 pm

Edgehill Shopping Center

Large Conference Room

43 S. DuPont Hwy.

Dover, DE 19901

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

Via Zoom:

<https://us06web.zoom.us/j/87837587571>

Meeting ID: 878 3758 7571

Passcode: 381804

One tap mobile

+13017158592,,87837587571# US (Washington DC)

+13126266799,,87837587571# US (Chicago)

If you require special assistance and/or services to participate in the public meeting (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 meeting for arrangements: Maxine Jacobs at 302-255-9651; [sarahmaxine.jacobs@delaware.gov](mailto:sarahmaxine.jacobs@delaware.gov). The prompt submission of requests helps to ensure the availability of qualified individuals and appropriate accommodations in advance.

/s/ Stephen M. Groff

Date 4/12/2022 | 9:34 AM EDT

Director

Division of Medicaid and Medical Assistance

**25 DE Reg. 1035 (05/01/22) (Gen. Notice)**