

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

Program of All-Inclusive Care for the Elderly (PACE)

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 to incorporate the current version of the Program of All-Inclusive Care for the Elderly (PACE) State Plan Amendment preprint.

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, Policy and Quality Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to Nicole.M.Cunningham@delaware.gov, or by fax to 302-255-4413 by 4:30 p.m. on November 1, 2021. Please identify in the subject line: Program of All-Inclusive Care for the Elderly (PACE)

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 to incorporate the current version of the Program of All-Inclusive Care for the Elderly (PACE) State Plan Amendment preprint.

Statutory Authority

42 CFR 460

Background

The Centers for Medicare & Medicaid Services (CMS) advised states to no longer use the Upper Payment Limit (UPL) when drafting rates for the Program of All-Inclusive Care for the Elderly (PACE). States are required to use the Amount that Would Otherwise be Paid (AWOP) and submit a SPA indicating compliance.

Summary of Proposal

Purpose

The proposed amendment is to incorporate the current version of the Program of All-Inclusive Care for the Elderly (PACE) State Plan Amendment preprint.

Summary of Proposed Changes

Effective for services provided on and after December 11, 2021 DHSS/DMMA proposes to amend Title XIX Medicaid State Plan to incorporate the current version of the Program of All-Inclusive Care for the Elderly (PACE) State Plan Amendment preprint.

Public Notice

In accordance with the federal public notice requirements established at Section 1902(a)(13)(A) of the Social Security Act and 42 CFR 447.205 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 should be received by 4:30 p.m. on November 1, 2021.

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 to provide any 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

There is no anticipated fiscal impact.

***Please Note: Due to the formatting requirements of the regulation, it is being attached here as a series of PDF documents:**

<http://regulations.delaware.gov/register/october2021/proposed/Supp 2 3.1-A Page 1 PACE.pdf>

<http://regulations.delaware.gov/register/october2021/proposed/Supp 2 3.1-A Page 2 PACE.pdf>

<http://regulations.delaware.gov/register/october2021/proposed/Supp 2 3.1-A Page 3 PACE.pdf>

<http://regulations.delaware.gov/register/october2021/proposed/Supp 2 3.1-A Page 4 PACE.pdf>

<http://regulations.delaware.gov/register/october2021/proposed/Supp 2 3.1-A Page 5 PACE.pdf>

<http://regulations.delaware.gov/register/october2021/proposed/Supp 2 3.1-A Page 6 PACE.pdf>

<http://regulations.delaware.gov/register/october2021/proposed/CMS Pre-Print Pages PACE.pdf>

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