

# DEPARTMENT OF HEALTH AND SOCIAL SERVICES

## DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

Statutory Authority: 31 Delaware Code, Section 512 (31 **Del.C.** §512)

### FINAL

### ORDER

#### Chronic Renal Disease Program

#### 50300 Referral Process

#### Nature of the Proceedings:

Delaware Health and Social Services ("Department") / Division of Medicaid and Medical Assistance (DMMA) initiated proceedings to amend a rule in the Division of Social Services Manual (DSSM) used to determine eligibility for the Chronic Renal Disease Program. The Department's proceedings to amend its regulations were initiated pursuant to 29 **Delaware Code** Section 10114 and its authority as prescribed by 31 **Delaware Code** Section 512.

The Department published its notice of proposed regulation changes pursuant to 29 **Delaware Code** Section 10115 in the July 2007 *Delaware Register of Regulations*, requiring written materials and suggestions from the public concerning the proposed regulations to be produced by July 31, 2007 at which time the Department would receive information, factual evidence and public comment to the said proposed changes to the regulations.

#### Summary of Proposed Change

#### Statutory Authority

Title 29, Chapter 79, Subchapter II, Sections 7932 - 7935, *The Chronic Renal Diseases Program*

#### Background

The Delaware Legislature established the Chronic Renal Disease Program (CRDP) effective 1970 by enacting Title 29, Chapter 79, Subchapter 11, Sections 7932-7935. The purpose of this program is to provide assistance to state residents diagnosed with End Stage Renal Disease (ESRD). The CRDP is not federally funded. CRDP is 100% State funded. Since there are limited funds available, the CRDP should only be utilized as a program of last resort. All third party resources (Medicare, Medicaid, Veteran's Benefits, and Private Insurance) must be considered before CRDP funds are utilized.

The mission of the CRDP is to "improve the quality of life for Delawareans with ESRD by promoting health and well-being, fostering self-sufficiency, and protecting a vulnerable population."

#### Summary of Proposed Change

DSSM 50300, Referral Process: The purpose of the proposed is to facilitate and ease the referral process for the Chronic Renal Disease Program. Referrals may come from many different sources; and, a completed application may also be received as the initial referral.

#### Summary of Comments Received with Agency Response

The Governor's Advisory Council for Exceptional Citizens (GACEC) and the State Council for Persons with Disabilities (SCPD) offered the following observations and recommendations summarized below. DMMA has considered each comment and responds as follows:

The GACEC and SCPD **endorse** this proposed amendment with one observation.

Since the regulations contemplate quick access to the application, the Division may wish to consider inclusion of the application on its website. The Department maintains a description of the CRDP on its website and also has application forms on its website for some programs (e.g. Delaware Healthy Children Program). Indeed,

the Department's "Assist" function allows Delawareans to self-screen for eligibility and file an application on-line for some programs. Therefore, we feel that including the application form on the website would be beneficial.

**Agency Response:** DMMA agrees that it would be beneficial to include the CRDP application on the agency website and will research this possibility. Thank you for the endorsement.

#### **Findings of Fact:**

The Department finds that the proposed changes as set forth in the July 2007 *Register of Regulations* should be adopted.

THEREFORE, IT IS ORDERED, that the proposed regulation to amend the Division of Social Services Manual related to the referral process for the Chronic Renal Disease Program is adopted and shall be final effective September 10, 2007.

Vincent P. Meconi, Secretary, DHSS, 8/14/07

#### **50300 Referral Process**

#### **DMMA FINAL ORDER REGULATION #07-39**

#### **REVISIONS:**

#### **50300 Referral Process**

~~The CRDP can receive referrals~~ A referral for the Chronic Renal Disease Program (CRDP) may be received from many sources. Client, family member, caretaker, physicians and/or other professionals may initiate the referral process by calling contacting the CRDP office and requesting that an application be mailed or faxed. Dieticians and dialysis social workers may begin the referral process by calling or by mailing/faxing a completed referral form to the CRDP office. Completed applications may be returned to the office by mail or fax. Once the referral application has been received, the client or referral source will be contacted to set up an appointment to complete the CRDP assessment eligibility determination.

**11 DE Reg. 318 (09/01/07) (Final)**