

**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 OF PUBLIC COMMENT**

**Proposed Payment Rate Updates for Substance Use Disorder Services**

Notice of Public Comment: Proposed Payment Rate Updates for Substance Use Disorder Services, Effective January 1, 2023

\*\*Note: This is a reprint of the general notice published in August, available at: <https://regulations.delaware.gov/register/august2022/general/26%20DE%20Reg%20127%2008-01-22.pdf>

**Background.** In October of 2019, Delaware's Division of Medicaid and Medical Assistance (DMMA) was one of 15 states nationally to be awarded a planning grant from the Centers for Medicare and Medicaid Services (CMS) under section 1003 of the Substance Use Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities (SUPPORT) Act. DMMA was also one of five state Medicaid agencies to be awarded the SUPPORT Act Demonstration Project, which is a 36-month initiative that began September 30, 2021, and runs through September 30, 2024.

DMMA is using this funding to increase the treatment capacity of Medicaid providers to deliver substance use disorder (SUD) treatment and recovery services. As part of this work, DMMA has conducted a comprehensive assessment of the existing SUD payment rates and the underlying costs associated with delivering SUD services across different levels of care. Based on this research and feedback collected from stakeholders, DMMA is proposing to update payment rates for selected SUD services. For details about previous iterations of the draft rate models and underlying assumptions, please see the "*Medicaid SUD Rate Study*" section of DMMA's SUPPORT Act Planning Grant and Demonstration Project webpage, available at: [https://dhss.delaware.gov/dhss/dmma/sud\\_initiatives.html](https://dhss.delaware.gov/dhss/dmma/sud_initiatives.html).

**Notice of Public Comment.** DMMA is announcing the publication of final draft payment rates for selected adult SUD services, effective January 1, 2023 (see Appendix I) DMMA is not proposing any changes to the underlying reimbursement methodology as currently outlined in the Delaware Medicaid State Plan, and therefore public participation requirements are not required. However, Delaware is publishing the draft rates to ensure all interested stakeholders have the opportunity to review and comment on the proposed rates before they are finalized. The assumptions that informed development of the updated rate found here [SEE LINK TO PDF OF EXCEL DOCUMENT]. **The draft rates will be available for public review and comment for 15 days beginning September 1st through September 15th, 2022.**

**\*Please note: Due to the size and formatting of the Excel document, it is attached as a PDF document:**  
[http://regulations.delaware.gov/register/september2022/general/SUD\\_Rate\\_Models\\_2022JUN22\\_for\\_Public\\_Notice\\_PDF\\_8.4.2022.pdf](http://regulations.delaware.gov/register/september2022/general/SUD_Rate_Models_2022JUN22_for_Public_Notice_PDF_8.4.2022.pdf)

DMMA plans to institute proposed rate changes within the Medicaid fee-for-service (FFS) program and plans to raise managed care organizations' (MCOs') capitation payments in alignment with these specific Medicaid FFS rate changes; however, DMMA does not mandate how the MCOs subsequently pay providers. DMMA intends to monitor the MCOs to assess how or if their payments to providers change in relation to the FFS changes. DMMA plans to use a portion of Delaware's enhanced federal match for home- and community-based services (HCBS) to fund rate increases through at least July 2023, and rate changes are thus contingent upon CMS' approval. Details about this funding is available at: <https://dhss.delaware.gov/dhss/arpa/hcbs.html>.

Comments will be accepted from the general public during this time period, including providers, provider associations, advocacy groups, consumers, and other interested stakeholders in the state. Comments may be provided directly to [jacob.bowling@delaware.gov](mailto:jacob.bowling@delaware.gov); respondents must include their name, title, and organizational affiliation (if any). Responses to individual questions and comments will not be provided; however, DMMA will review and consider all comments and make any modifications to the proposed rates that are deemed necessary. Comments must be submitted no later than September 15th, 2022.

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*percent funded by CMS/HHS. The contents are those of the author(s) and do not necessarily represent the official views of, nor an endorsement, by CMS/HHS, or the U.S. Government.*

**\*Please note: Due to the size and formatting of Appendix I, it is being attached as a PDF document:**

**<http://regulations.delaware.gov/register/september2022/general/Appendix I for Rate Study Notice.pdf>**

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Director  
Division of Medicaid and Medical Assistance  
**26 DE Reg. 226 (09/01/22) (Gen. Notice)**

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Date