STATE OF DELAWARE

PUBLIC NOTICE AND NOTICE OF PUBLIC HEARINGS

DELAWARE HEALTH AND SOCIAL SERVICES

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

Proposed Amendment for the DDDS Lifespan Waiver

HOME AND COMMUNITY-BASED SERVICES WAIVER

In accordance with the public notice requirements of 42 CFR 441.304 (d1)(e) and (f) and Title 29, Chapter 101 of the Delaware Code, Delaware Health and Social Services (DHSS)/Division of Medicaid and Medical Assistance (DMMA) gives notice related to the renewal of the DDDS HCBS Medicaid Waiver authorized under section 1915(c) of the Social Security Act.

Purpose

The purpose of this posting is to provide public notice and elicit public input regarding Delaware's proposed amendment to its current 1915 (c) HCBS Lifespan Waiver that serves individuals with intellectual and developmental disabilities (IDD).

Overview and Summary of the Lifespan Waiver Amendment

Delaware proposes to amend the DDDS waiver that has been in continuous operation since 1987. The waiver must be renewed every five years any changes during those five years must be made through an amendment to the current approved waiver. The DDDS waiver is targeted to individuals with intellectual and developmental disabilities (IDD) (including brain injury), autism spectrum disorder, and Prader-Willi Syndrome. It provides services and supports as an alternative to institutional placement and is designed to enable the individual to live safely in the community and to respect and support their desire to work or engage in other productive activities.

Change(s) to the current waiver are:

- A tiered rate structure for Behavioral and Nurse Consultation services, where providers of these services are compensated based upon their education and experience.
- Transportation as a component part of Day Habilitation, Community Participation, and Pre-Vocational services, will be reimbursed as a separate rate on days when it is provided.
- Increasing the current combined Respite and Personal Care service budget from $2700 to $3500 annually.
- The addition of a rate for Day Habilitation, Community Participation, Pre-Vocational, Supported Employment, Residential Habilitation, and Medical Residential Habilitation services where providers are compensated for employing Direct Support Professionals (DSPs) that are American Sign Language (ASL) fluent or certified when supporting Deaf service recipients that use ASL to communicate.
- The addition of a rate for Day Habilitation, Community Participation, Pre-Vocational, Supported Employment, Residential Habilitation, and Medical Residential Habilitation services where providers are compensated for employing Direct Support Professionals (DSPs) that are Registered Behavior Technicians (RBTs) when supporting service recipients with an increased behavioral support need.
- New provider type added to Assistive Technology
- Removal of DDDS as a direct provider of HCB services
- Technical changes related to state procedure/policy changes

Background

Delaware has operated a Home and Community Based Services (HCBS) Waiver for individuals with intellectual and developmental disabilities continuously since 1987. The authority under the Social Security Act that allows HCBS waivers to be created requires that each waiver be renewed every five years and any changes during those five years must be made through an amendment to the current approved waiver.

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. Per Del. Code, Title 29, Ch. 101 §10118 (a), the opportunity for public comment shall be held open for a minimum of 30 days after the proposal is published in the Register of Regulations. The opportunity for public written comment shall be extended for a minimum of 15 days after the final public hearing when 1 or more public hearings are held on the proposal. The public is invited to review and comment on the proposed Lifespan Waiver Amendment. Comments must be received by 4:30 p.m. on June 15, 2022. Comments may be submitted in the following ways:

This public notice, the Renewal, and a summary of the Renewal are posted online at:

https://dhss.delaware.gov/dhss/dmma/homeandc.html

The DMMA and DDDS website will indicate the locations at which the hardcopy can be viewed.

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

By email: **DMMA_PublicHearing@delaware.gov**
(Please identify in the subject line: *DDDS Lifespan Waiver Amendment)*

By fax: 302-255-4481 to the attention of Kimberly Xavier
by written comments sent to:
DDDS Lifespan 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

The hardcopy waiver amendment will be available at the following locations from May 1, 2022 through June 15, 2022.

- DDDS Fox Run Office at: 2540 Wrangle Hill Road, Suite 200, Bear, DE 19701
- Thomas Collins Building at: 540 South Dupont Hwy, 1st Floor, Dover, DE 19901
- At the Woodbrook Office at: 1056 S. Governors Ave, Dover, DE 19904
- On the Stockley Center campus at: 26351 Patriots Way, Georgetown, DE 19947 - 101 Lloyd Lane and 101 Boyd Blvd.

Public Hearings

Notice will be published regarding the amendment in the May 1,2022 Delaware Register of Regulations with a link to the website where the complete application may be found. The comment period begins on May 1, 2022 and ends on June 15, 2022.

This timeframe allows an additional period of 15 days for the public to comment after the last public meeting.

The public will have the opportunity to comment using the process described in the Register notice.

Following the comment period, the State reviews, considers, and responds to all comments received.

Dates and Locations for Public Hearings for the Lifespan Waiver Amendment-

New Castle County
May 16, 2022
9:30 am- 10:30 am
DDDS Fox Run Office
2540 Wrangle Hill Road, Suite 200, Bear, DE 19701
2nd floor large training room
***If you would prefer to participate virtually:**
Via Zoom:
https://ddds.zoom.us/j/84507488998
833 548 0282 US Toll-free
Meeting ID: 845 0748 8998

Kent County
May 17, 2022
1:00 pm- 2:00 pm
DDDS Annex (right next to KSI building)
291 A Rehoboth Blvd.
Milford, De 19963
***If you would prefer to participate virtually:**
Via Zoom:
https://ddds.zoom.us/j/82434259586
833 548 0282 US Toll-free
Meeting ID: 824 3425 9586

Sussex County
May 18, 2022
6:00 pm – 7:00 pm
Georgetown Public Library
123 W. Pine Street
Georgetown, De 19947
***If you would prefer to participate virtually:**
Via Zoom:
https://ddds.zoom.us/j/82965733046
833 548 0282 US Toll-free
Meeting ID: 829 6573 3046

Any public feedback received will be summarized including any changes that will be made as a result of the public comment to the proposed Lifespan Waiver Amendment that will be submitted to CMS.