

**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**

**DDDS HCBS Medicaid Waiver**

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 related to the amendment 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).

**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.

**Overview and Summary of the Lifespan Waiver Amendment**

Delaware proposes to amend the DDDS waiver that has been in continuous operation since 1987. 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 \$2,700 to \$3,500 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.

**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 for 30 days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments must be received by 4:30 p.m. on June 15, 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: *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

An electronic copy of waiver amendment can be found at:

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

The hardcopy waiver amendment will be available at the following locations from May 1, 2022 through the end of the comment period:

- 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**

Dates and Locations for Public Hearings for the Lifespan Waiver Amendment are listed below:

#### **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.

If you require special assistance and/or services to participate in the public hearing (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 hearing for arrangements: Stacy Watkins at 302-893-3044; [Stacy.Watkins@delaware.gov](mailto:Stacy.Watkins@delaware.gov). The prompt submission of requests helps to ensure the availability of qualified individuals and appropriate accommodations in advance

/s/ Stephen M. Groff  
Director

Date 4/6/2022 | 11:38 AM EDT

Division of Medicaid and Medical Assistance  
**25 DE Reg. 1033 (05/01/22) (Gen. Notice)**