

**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**

**PUBLIC NOTICE**

**Proposed Renewal for Pathways to Employment  
1915(i) Home and Community-Based Services State Plan Amendment (SPA)**

In accordance with the requirements of 42 U.S.C. §1396a (a)(13) and 42 CFR §447.205, Delaware Health and Social Services (DHSS), Division of Medicaid and Medical Assistance (DMMA) gives notice related to the renewal of Pathways to Employment Home and Community Based State Plan Amendment authorized under 1915 (i) of the Social Security Act.

**Background**

Section 6086 of the Deficit Reduction Act of 2007 (DRA) and the Affordable Care Act (ACA) of 2010 established and amended section 1915(i) of the Social Security Act to add an optional State Plan service that has many of the features of a Home and Community Based (HCBS) Waiver. Like an HCBS waiver, states can target services to persons based on age, diagnosis and condition, and also apply functional criteria such as limitations caused by disability. States can also provide community based services that would not otherwise be able to be covered under the Medicaid State Plan to allow persons to live independently in the community. Two notable differences from HCBS waivers are that a 1915(i) State Plan Amendment does not require individuals to meet an institutional level of care in order to qualify for HCBS and states are not permitted to limit participation in the program once an individual meets established eligibility criteria.

**Purpose**

The purpose of this posting is to provide public notice and elicit public input regarding Delaware's renewal of the Pathways to Employment program that services individuals with intellectual and developmental disabilities (IDD), visual impairments, autism spectrum disorder, Asperger's Syndrome and physical disabilities ages fourteen (14) to twenty-five (25) to seek and maintain competitive employment.

**Overview and Summary of the Pathways to Employment Renewal**

Delaware proposes to renew the Pathways to Employment 1915 (i) State Plan Amendment (SPA). The SPA must be renewed every five years. This is the first renewal for Pathways to Employment. Pathways to Employment services are targeted to individuals with intellectual and developmental disabilities (IDD), visual impairments, autism spectrum disorder, Asperger's Syndrome and physical disabilities ages fourteen (14) to twenty-five (25) to seek and maintain competitive employment in their community.

Change(s) to the current Pathways to Employment 1915(i):

- There are no significant changes proposed. Minor edits have been made to reflect updates in the names of organizational units within the state and to change the frequency for data aggregation for some of the performance measures. Performance measures were also added related to program eligibility.

**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 Medicaid HCBS program. 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* on April 1, 2019. The public is invited to review and comment on the proposed Pathways to Employment renewal. Comments must be received by 4:30 p.m. on May 1, 2019. Comments may be submitted in the following ways:

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

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

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

(Please identify in the subject line: *Pathways to Employment Renewal*)

By fax: 302-255-4481 to the attention of Glyne Williams

By email: [glyne.williams@delaware.gov](mailto:glyne.williams@delaware.gov)

By written comment:

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 renewal will be available at the following locations from April 1, 2019 through May 1, 2019.

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

Any public feedback received will be summarized including any changes that will be made as a result of the public comment to the proposed Pathways to Employment Renewal that will be submitted to CMS.

<u>Lisa Zimmerman for Stephen M. Groff</u>	<u>3/11/2019</u>
Stephen M. Groff	Date
Director	
Division of Medicaid and Medical Assistance	

**22 DE Reg. 871 (04/01/19) (Gen. Notice)**