

**DEPARTMENT OF HEALTH AND SOCIAL SERVICES**  
**DIVISION OF MEDICAID AND MEDICAL ASSISTANCE**  
Statutory Authority: 31 **Delaware Code**, Section 512 (31 **Del.C.** §512)

**PROPOSED**

**PUBLIC NOTICE**

**Attendant Services §1915(c) Home and Community-Based Services Waiver Application**

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of Title 31 of the **Delaware Code**, Chapter 5, Section 512, and, in compliance with State Notice procedures as set forth in the Federal Register, September 27, 1994, Delaware Health and Social Services (DHSS) / Division of Medicaid and Medical Assistance (DMMA) has submitted an Attendant Services §1915(c) Home and Community-Based Services (HCBS) Waiver application to the Centers for Medicare and Medicaid Services (CMS).

Any person who wishes to make written suggestions, compilations of data, testimony, briefs or other written materials concerning this waiver must submit same to Sharon L. Summers, Policy and Program Development Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906 or by fax to (302) 255-4454 by December 31, 2006. The Attendant Services §1915(c) HCBS Waiver application can be viewed at:

**[Attendant Service Waiver1006.pdf](#)**

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments and written materials filed by other interested persons.

**SUMMARY OF PROPOSAL**

**Statutory Authority**

- Social Security Act §1915(c), *Provisions Respecting Inapplicability and Waiver of Certain Requirements of this Title*
- 42 CFR §441, Subpart G, *Home and Community-Based Services Waiver Requirements*
- 16 **Del.C.** Ch. 94, *Community-Based Attendant Services*

**Background**

The Medicaid Home and Community-Based Services (HCBS) waiver program is authorized in accordance with §1915(c) of the Social Security Act. The program permits a State to furnish an array of home and community-based services that assist Medicaid beneficiaries to live in the community and avoid institutionalization. The State has broad discretion to design its waiver program to address the needs of the waiver's target population. Waiver services complement and/or supplement the services that are available to participants through the Medicaid State plan and other federal, state and local public programs as well as the supports that families and communities provide.

This waiver supports 16 **Del.C.** Ch. 94 to establish an attendant services program for persons with disabilities to remain in the community.

**Summary of Waiver**

On October 31, 2006, the Division of Medicaid and Medical Services (DMMA) submitted a §1915(c) waiver application to the Centers for Medicare and Medicaid Services (CMS) for approval. The DMMA is announcing a thirty-day comment period for this Waiver application.

With a proposed effective date of July 1, 2007, this new waiver will allow Medicaid beneficiaries to arrange for attendant services which are not covered under State plan services.

Through the provision of services and supports identified through a plan of care, this waiver will allow for participants to promote self reliance and self-sufficiency while utilizing home and community based waiver services not previously offered under other waivers. Among the services planned under this waiver program are: a fiscal agent, support broker and case manager to allow for consumer directed care of attendant services; personal care services; adult day care; respite; emergency response; and, specialized medical equipment and supplies.

The DMMA will be responsible for the day to day operations and administration of this waiver.

The provisions of this waiver are subject to approval by the Centers for Medicare and Medicaid Services (CMS).

**\*Please Note: Due to the size of the proposed regulation, it is not being published here. To obtain a copy, contact either the Division of Medicaid and Medical Assistance or view the PDF version at: Attendant Service Waiver1006.pdf**

**10 DE Reg. 954 (12/01/06) (Prop.)**