

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

FINAL

ORDER

Title XXI Delaware Healthy Children Program State Plan - Children's Health Insurance Program (CHIP)

NATURE OF THE PROCEEDINGS:

Delaware Health and Social Services ("Department") / Division of Medicaid and Medical Assistance initiated proceedings to amend XXI Delaware Healthy Children Program State Plan to demonstrate compliance with the Medicaid Managed Care final rule as it relates to the Children's Health Insurance Program (CHIP). The Department's proceedings to amend its regulations were initiated pursuant to 29 Delaware Code Section 10114 and its authority as prescribed by 31 Delaware Code Section 512.

The following regulatory action is exempt from the Administrative Procedures Act in accordance with 29 Delaware Code, Ch 101, §10113(b)(4)(5), which exempts from the procedural requirements of the Administrative Procedures Act (APA) regulations for existing regulations to make them consistent with changes in basic law but which do not otherwise alter the substance of the regulations and codifications of existing agency or judicial principles of decision derived from previous decisions and rulings.

SUMMARY OF PROPOSAL

Effective for services provided on and after July 1, 2019 Delaware Health and Social Services/Division of Medicaid and Medical Assistance (DHSS/DMMA) proposes to amend XXI Delaware Healthy Children Program State Plan to demonstrate compliance with the Medicaid Managed Care final rule as it relates to the Children's Health Insurance Program (CHIP).

Background

In May 2016, the Centers for Medicare & Medicaid Services (CMS) published the Medicaid and CHIP final managed care rule. The rule aligns key rules with those of other health insurance coverage programs, modernizing how states purchase managed care for beneficiaries, and strengthens the consumer experience and key consumer protections.

Statutory Authority

81 FR 27497 - Medicaid and CHIP Managed Care Final Rule

Citation

29 Del.C. §10113, Adoption of Regulations; Exemptions

Fiscal Impact Statement

There is no anticipated fiscal impact to the agency.

FINDINGS OF FACT:

The Department finds that the proposed changes as set forth in the July 2019 *Register of Regulations* should be adopted.

THEREFORE, IT IS ORDERED, that the proposed regulation to amend XXI Delaware Healthy Children Program State Plan to demonstrate compliance with the Medicaid Managed Care final rule as it relates to the Children's Health Insurance Program (CHIP), is adopted and shall be final effective July 11, 2019.

6/13/19

Date of Signature

Kara Odom Walker, MD, MPH, MSHS, Secretary, DHSS

***Please Note: A copy of the text of the final amendment is available at:**

<http://regulations.delaware.gov/register/july2019/final/Section 3 - Methods of Delivery and Utilization Controls.pdf>