

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

Deficit Reduction Act of 2005 - Medicaid Integrity Program

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, Delaware Health and Social Services (DHSS) / Division of Medicaid and Medical Assistance (DMMA) is proposing to amend the Title XIX Medicaid State Plan regarding the federal requirement to cooperate with integrity program efforts.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs or other written materials concerning the proposed new regulations must submit same to Sharon L. Summers, Planning & Policy 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 302-255-4425 by June 30, 2008.

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 PROPOSED AMENDMENT

The proposed amends the Title XIX Medicaid State Plan to document compliance with Section 6034 of the Deficit Reduction Act of 2005 (DRA). Section 6034 requires States to comply with all of the provisions of section 1902(a)(69) of the Social Security Act (the Act) entitled, "State Requirement to Cooperate with Integrity Program Efforts."

Statutory Authority

Deficit Reduction Act of 2005 (Public Law 109-171), enacted on February 8, 2006, Section 6034

Background

Section 6034 of the DRA established the Medicaid Integrity Program in section 1936 of the Act and identified certain of the Centers for Medicare and Medicaid Services' (CMS) responsibilities for carrying out the activities of the program, including contracting with entities that will audit provider claims and identify overpayments, and providing effective support and assistance to the States to combat provider fraud and abuse. This provision also established section 1902(a)(69) of the Act entitled, "State Requirement to Cooperate with Integrity Program Efforts." Section 1902(a)(69) of the Act requires that the Medicaid State plan "provide that the State must comply with any requirements determined by the Secretary to be necessary for carrying out the Medicaid Integrity Program established under section 1936." The provisions of section 1902(a)(69) of the Act must be implemented immediately.

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

Summary of Proposed Amendment

The proposed rule would amend the Medicaid state plan to assure programmatic compliance with such requirements determined by the Secretary to be necessary for carrying out the Medicaid Integrity Program established under section 1936 of the Social Security Act.

DMMA PROPOSED REGULATION #08-21

NEW:

79y

State/Territory: DELAWARE

Citation

1902(a)(69) of
the Act,
P.L. 109-171
(Section 6034)

- 4.43 Cooperation with Medicaid Integrity Program Efforts.
The Medicaid agency assures it complies with such
requirements determined by the Secretary to be
necessary for carrying out the Medicaid Integrity
Program established under section 1936 of the Act.

11 DE Reg. 1582 (06/01/08) (Prop.)