

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

Streamline Application

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code), 42 CFR §447.205, and under the authority of 31 *Del. C.* § 512, Delaware Health and Social Services (DHSS) / Division of Medicaid and Medical Assistance (DMMA) is proposing to amend Delaware Title XIX Medicaid State Plan regarding the Streamline Application, specifically, *to include questions for the justice-involved population and retroactive eligibility.*

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, Planning and Policy Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to Nicole.M.Cunningham@delaware.gov, or by fax to 302-255-4413 by 4:30 p.m. on March 31, 2021. Please identify in the subject line: Streamline Application.

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

Attached is a request for public notice to be published in the March 2021 *Delaware Register of Regulations*. The purpose of this notice is to advise the public that Delaware Health and Social Services (DHSS)/Division of Medicaid and Medical Assistance (DMMA) is proposing to amend Delaware Title XIX Medicaid State Plan regarding the Streamline Application, specifically, *to include questions for the justice-involved population and retroactive eligibility.*

Statutory Authority

45 CFR § 155.405

Background

On December 4, 2018, Delaware Governor John Carney signed Executive Order 27. This executive order established The Delaware Correctional Reentry Commission (DCRC) with the objective of effectively coordinating services for the recently released, strengthening data sharing among state agencies, and improving the availability of programming prior to an inmate's release in hopes of reducing recidivism.

In June 2018, DMMA, in collaboration with other state agencies, including the Delaware Division of Substance Abuse and Mental Health, the Division of Social Services, and the Department of Corrections, held the first Justice Involved Individuals Steering Committee meeting, to develop a plan to facilitate access to covered Medicaid services for eligible individuals immediately upon release from a correctional institution.

On July 31, 2019, the Centers for Medicare & Medicaid Services (CMS) approved Delaware's request for extension and amendment of its Medicaid demonstration project entitled, "Diamond State Health Plan" for beneficiaries beginning the month they submit an application, and to waive the three month retroactive eligibility period.

As a result of the approval of the Medicaid 1115 Waiver, retroactive coverage is potentially available, if general financial and technical eligibility requirements are met, to the following groups: Pregnant women, including during the 60-day postpartum period beginning on the last day of pregnancy; infants under age 1; and individuals under age 19 (listed separately from the group above due to the different income limits).

The changes to the streamline application are to reflect changes to include questions for the justice-involved population and retroactive eligibility.

Summary of Proposal

Purpose

The purpose of this proposed regulation is to include questions for the justice-involved population and retroactive eligibility

changes to the Medicaid Streamline Application.

Summary of Proposed Changes

Effective for services provided on and after May 11, 2021 DHSS/DMMA proposes to amend Delaware Title XIX Medicaid State Plan regarding the Streamline Application, specifically, to include questions for the justice-involved population and retroactive eligibility.

Public Notice

In accordance with the *federal* public notice requirements established at Section 1902(a)(13)(A) of the Social Security Act and 42 CFR 447.205 and the state public notice requirements of Title 29, Chapter 101 of the Delaware Code, DHSS/DMMA gives public notice and provides 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 March 31, 2021.

Centers for Medicare and Medicaid Services Review and Approval

The provisions of this state plan amendment (SPA) are subject to approval by the Centers for Medicare and Medicaid Services (CMS). The draft SPA page(s) may undergo further revisions before and after submittal to CMS based upon public comment and/or CMS feedback. The final version may be subject to significant change.

Provider Manuals and Communications Update

Also, there may be additional provider manuals that may require updates as a result of these changes. The applicable Delaware Medical Assistance Program (DMAP) Provider Policy Specific Manuals and/or Delaware Medical Assistance Portal will be updated. Manual updates, revised pages or additions to the provider manual are issued, as required, for new policy, policy clarification, and/or revisions to the DMAP program. Provider billing guidelines or instructions to incorporate any new requirement may also be issued. A newsletter system is utilized to distribute new or revised manual material and to provide any other pertinent information regarding DMAP updates. DMAP updates are available on the Delaware Medical Assistance Portal website: <https://medicaid.dhss.delaware.gov/provider>

Fiscal Impact

There is no anticipated fiscal impact.

Appendix A 08-2013 Health Coverage from Jobs

***Please Note: Due to the size and format of the form, it is not being published here. A copy of the form is available at:**

<http://regulations.delaware.gov/register/march2021/proposed/Appendix A 08-2013 Health Coverage from Jobs.pdf>

Appendix B 08-2013 American Indian or Alaska Native Family Member AIAN

***Please Note: Due to the size and format of the form, it is not being published here. A copy of the form is available at:**

<http://regulations.delaware.gov/register/march2021/proposed/Appendix B 08-2013 American Indian or Alaska Native Family Member AIAN.pdf>

Appendix C 01-2014 Assisting With Applications

***Please Note: Due to the size and format of the form, it is not being published here. A copy of the form is available at:**

<http://regulations.delaware.gov/register/march2021/proposed/Appendix C 01-2014 Assisting With Applications.pdf>

Benefit Application Form 100 Justice Involved and Retro Changes

***Please Note: Due to the size and format of the form, it is not being published here. A copy of the form is available at:**

<http://regulations.delaware.gov/register/march2021/proposed/Benefit Application Form 100 Justice Involved and Retro Changes.pdf>

CCADP 1

***Please Note: Due to the size and format of the form, it is not being published here. A copy of the form is available at:**

<http://regulations.delaware.gov/register/march2021/proposed/CCADP 1.pdf>

CCADP 2

***Please Note: Due to the size and format of the form, it is not being published here. A copy of the form is available at:**

<http://regulations.delaware.gov/register/march2021/proposed/CCADP 2.pdf>

Draft CMS Submission

***Please Note: Due to the size and format of the form, it is not being published here. A copy of the form is available at:**

<http://regulations.delaware.gov/register/march2021/proposed/Draft CMS Submission.pdf>

Health Coverage - Family Justice Involved and Retro

***Please Note: Due to the size and format of the form, it is not being published here. A copy of the form is available at:**

<http://regulations.delaware.gov/register/march2021/proposed/Health Coverage - Family Justice Involved and Retro.pdf>

Health Coverage - Short Form Justice Involved and Retro

***Please Note: Due to the size and format of the form, it is not being published here. A copy of the form is available at:**

<http://regulations.delaware.gov/register/march2021/proposed/Health Coverage - Short Form Justice Involved and Retro.pdf>

LTC Application 03-2020 Revised

***Please Note: Due to the size and format of the form, it is not being published here. A copy of the form is available at:**

<http://regulations.delaware.gov/register/march2021/proposed/LTC Application 03-2020 Revised.pdf>

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