



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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MEMORANDUM

DATE: November 24, 2015

TO: Glyne Williams
Planning, Policy and Quality Unit

FROM: Daniese McMullin-Powell, Chairperson
State Council for Persons with Disabilities

RE: 19 DE Reg. 377 (DMMA Proposed EPSDT Substance Use Disorder Regulation)

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Health and Social Services/Division of Medicaid and Medical Assistance's (DMMA's) proposal to amend the Medicaid State Plan in the context of coverage and reimbursement methodology for Medicaid rehabilitative substance use disorder services. The proposed regulation was published as 19 DE Reg. 377 in the November 1, 2015 issue of the Register of Regulations. SCPD has the following observations.

As background, the Division notes that federal EPSDT standards require State Medicaid programs to offer a comprehensive array of services for individuals under age 21. On February 23, 2011, CMS sent DMMA a letter sharing concerns with the Division's monthly bundled rates for rehabilitative child mental health and substance abuse services under the EPSDT program. In response, DMMA proposes to add clarifying language to the Medicaid State Plan in through the following:

- 1) defining the reimbursable unit of service;
- 2) describing payment limitations;
- 3) providing a reference to the provider qualifications; and
- 4) publishing the location of State fee schedule rates.

The changes are highly prescriptive and detailed. The scope of covered practitioners is bewildering. The regulation includes standards covering the following, among others:

Licensed Clinical Social Workers (LCSWs);
Licensed Professional Counselors of Mental Health (LPCMHS);

Licensed Marriage and Family Therapists (LMFTs);
Licenced Chemical Dependency Professionals (LCDPs);
Certified Recovery Coaches;
Credentialed Behavioral Health Technicians;
Certified Alcohol and Drugs Counselors (CADCs);
Internationally Certified Alcohol and Drug Counselors (ICADCs); and
Certified Certified Co-occurring Disorders Professionals (CCDPs).

In general, reimbursement rates will be the same for public and private providers and not be less than the maximum allowable rate under the Medicare program.

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our observations on the proposed regulation.

cc: Mr. Stephen Groff
Mr. Brian Hartman, Esq.
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council

19reg377 dmma-EPSTDT substance use disorder 11-25-15