



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES

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MEMORANDUM

DATE: April 25, 2012

TO: Ms. Sharon L. Summers, DMMA
Planning & Policy Development Unit

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

RE: 15 DE Reg. 1414 [DMMA Proposed. HCBS Waiver 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 (DMMAs) proposal to update its regulations to reflect the conversion of multiple HCBS waivers into the new Diamond State Health Plan Plus (DSHPP) Waiver effective April 1, 2012. The new Waiver will be known as "Long Term Care Community Services". The "Summary of Proposal" notes that the ABI, Assisted Living, and Elderly and Disabled Waivers were merged into a consolidated Elderly/Disabled Waiver in December 2010. This consolidated E&D waiver and the AIDS/HIV waivers are now being discontinued in favor of the DSHPP Waiver. The DDDS HCBS Waiver remains a separate program. The proposed regulation was published as 15 DE Reg. 1414 in the April 1, 2012 issue of the Register of Regulations. SCPD endorses the proposed regulation subject to the following minor technical revisions.

First, §20700.1, Par. 2, refers to "(o)nce an individual is placed in a residential facility". This is a somewhat outdated concept which demeans individual autonomy and choice. Moreover, a shared living residence (a/k/a foster home) is not commonly viewed as a "facility". Consider the following substitute: "(o)nce an individual accepts a residential setting".

Second, in §20720, Par. 2, add an "s" to "circumstance" to make it plural.

Third, in §20720, Par. 3, change the reference to "...Assisted Living Facility will make submit their patient pay amount..."

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

cc: Ms. Rosanne Mahaney
Mr. Brian Hartman, Esq.
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council