



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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The Honorable John Carney
Governor

John McNeal
SCPD Director

MEMORANDUM

DATE: November 30, 2017

TO: Ms. Nicole Cunningham, DMMA
Planning & Policy Development Unit

FROM: Ms. Jamie Wolfe, Chairperson
State Council for Persons with Disabilities

RE: 21 DE Reg. 379 [DMMA Proposed DPBHS Targeted Case Management Regulation (11/1/17)]

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Health and Social Services/Division of Medicaid and Medical Assistance (DMMA) proposal to amend the Medicaid State Plan to add "targeted case management" as a covered service for DPBHS clients with qualifying mental health or substance abuse profiles. The proposed regulation was published as 21 DE Reg. 376 in the November 1, 2017 issue of the Register of Regulations.

Qualifying standards for youth are listed on p. 381 and should not be difficult to meet for anyone who meets the eligibility criteria for DPBHS services. Providers could be either DPBHS employees or employees of DPBHS contract agencies. At 383. Qualifications of "targeted case managers" and "highly qualified case managers" include degree, certification, training, and experience requirements. At 383-384.

The scope of targeted case management services is very comprehensive and includes assessment, plan of care development and revision, coordination of meetings, referrals, and monitoring. At 382. Although DMMA projects no fiscal impact on DMMA, I suspect the State will "draw down" additional funds since the DPBHS has ostensibly been qualifying for Medicaid subsidies on a limited basis: "Currently, a limited amount of time is reimbursable through the DSCY&F Cost Allocation Plan, this will be discontinued and replaced with Targeted Case Management, at which the funds used to employ staff and contract with providers will be redirected to Targeted Case Management." At 380.

The SCPD has the following observations.

First, the upper qualifying age limit is 18 which mirrors the general upper age limit of DPBHS services. See §A.2 on p. 381. However, the DSCY&F has discretion to extend foster care supports to individuals beyond age 18. Some of those covered individuals could have mental health and substance abuse needs being addressed by DPBHS. Therefore, DMMA could consider deleting the age limit and simply leaving

in place the “qualifying for DPBHS services” requirement. As a practical matter, this will still generally limit eligibility to persons under age 18 while authorizing Medicaid-funded targeted case management services for a small subset of individuals served by the DSCY&F after age 18.

Second, there is a grammatical error in §D.1 on p. 382. It reads, in pertinent part, as follows:

The Targeted Case Manager will use a child and youth assessment tool designated by the Department or its designee to:

– To the initial assessment and to reassess at a minimum of every 3 months; ...

This makes no sense. The Division may wish to consider the following revision:

The Targeted Case Manager will use a child and youth assessment tool designated by the Department or its designee to:

– To ~~to~~ **[Prepare]** the initial assessment and to reassess at a minimum of every 3 months; ...

The SCPSD is endorsing the proposed regulation subject to consideration of the above revisions.

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

cc: Mr. Steve Groff, DMMA
Mr. Steve Yeatman, DDC and DSCYF
Ms. Susan Cocyk, DPBHS
Mr. Brian Hartman, Esq.
Governor’s Advisory Council for Exceptional Citizens
Developmental Disabilities Council

21reg379 dmma DPBHS targeted case management 11-27-17