



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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MEMORANDUM

DATE: May 31 2018

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

FROM: Ms. Jamie Wolfe, *JW/p* Chairperson
State Council for Persons with Disabilities

RE: 21 DE Reg. 917 [(DMMA Proposed Amendment to 1115 Waiver to Include Institutions for Mental Disease ("IMD") (May 1, 2018)]

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) proposed regulation. The proposed regulation was published as 21 DE Reg. 917 in the May 1, 2018 issue of the Register of Regulations.

Recent changes in CMS managed care regulations limit IMD stays to 15 days in a month.¹ DMMA believes that this restriction will negatively impact treatment options, especially for substance abuse disorders ("SUD"). CMS has now invited states to receive Section 1115 waiver authority to include IMD settings as Medicaid-covered settings for SUD treatment. DMMA has published this Notice that it intends to apply for such a waiver.² The proposed amendment can be found: http://dhss.delaware.gov/dhss/dmma/files/dshp1115wavier_draft_sud_amendment.pdf.

Inpatient treatment for SUD is an important element in the state's overall strategy to address the addiction epidemic in Delaware. It will also allow Delaware to continue to leverage federal Medicaid dollars as it addresses this serious public health issue. The SCPD is endorsing this amendment.

¹ Historically Medicaid does not fund IMD for persons ages 21-64. DMMA was allowed to cover some IMD as a cost effective alternative, in the managed care context.

² The proposed amendment can be found: http://dhss.delaware.gov/dhss/dmma/files/dshp1115wavier_draft_sud_amendment.pdf.

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

cc: Mr. Stephen Groff
Ms. Laura Waterland, Esq.
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council

21reg917 dmma-DSHP Section 1115 demonstration waiver IMD 5-31-18