

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
7500 Security Boulevard, Mail Stop S2-25-26
Baltimore, Maryland 21244-1850



State Demonstrations Group

August 26, 2020

Stephen M. Groff
Director
Division of Medicaid and Medical Assistance
Department of Health and Social Services
1901 N. Dupont Highway
New Castle, DE 19720

Dear Mr. Groff:

Thank you for your recent request to amend the Delaware section 1115 demonstration entitled, “Delaware Diamond State Health Plan” (Project No. 11-W-00036/3). The Centers for Medicare & Medicaid Services (CMS) received Delaware’s amendment application on August 11, 2020. We have completed a preliminary review of your request in accordance with the requirements of Special Term and Condition (STC) #7 and have determined that the state’s application meets these requirements for a complete application.

In light of the national public health emergency concerning COVID-19 and statewide social distancing guidance to prevent its spread, two teleconference hearings were held on July 16 and July 20, 2020. Such hearings were permissible through CMS authority under 42 CFR 431.416(g)(2) which allows a state to depart from normal public notice procedures as described in section 431.408 due to the unforeseen nature of the public health emergency. Under section 431.416(g)(3), in order for a state to receive an exemption under section 431.416(g)(2), the state must meet three criteria: (i) the state must be acting in good faith, and in a diligent, timely, and prudent manner; (ii) the circumstances must constitute an emergency that could not have been reasonably foreseen; and (iii) it must be the case that a delay would undermine or compromise the purpose of the demonstration and be contrary to the interests of beneficiaries. CMS has determined that the state has met these criteria.

Delaware's application will be posted on Medicaid.gov for a 30-day federal comment period in accordance with 42 CFR 431.416(b). The state’s application will be available at:
<https://www.medicare.gov/medicaid/section-1115-demo/demonstration-and-waiver-list/index.html>.

We look forward to working with you and your staff on the proposed demonstration project. If you have questions regarding the section 1115 application process, please contact your CMS project officer, Mr. Thomas Long, at thomas.long@cms.hhs.gov.

Sincerely,

8/26/2020

 Andrea J. Casart

Signed by: Andrea J. Casart -A

Andrea J. Casart
Director
Division of Eligibility and Coverage
Demonstrations

cc: Talbatha Myatt, State Monitoring Lead, Medicaid and CHIP Operations Group