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State/Territory Name: Delaware

State Plan Amendment (SPA) #: DE-22-0014

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DEPARTMENT OF HEALTH & HUMAN SERVICES Centers for Medicare & Medicaid Services 7500 Security Boulevard, Mail Stop S2-01-16 Baltimore, MD 21244-1850



Children and Adults Health Programs Group

February 13, 2023

Theodore Mermigos, Acting Director Division of Medicaid and Medical Assistance Molly Magarik, Secretary, DHSS Delaware Health and Social Services P.O. Box 906 New Castle, DE 19720-0906

Dear Mr. Mermigos:

Your title XXI Children's Health Insurance Program (CHIP) State Plan Amendment (SPA) number DE-22-0014, submitted on December 22, 2022, has been approved. This SPA has an effective date of July 1, 2023.

Through this SPA, Delaware aligns its services provided to children under Delaware's title XXI CHIP state plan with services provided to children under Delaware's title XIX Medicaid state plan, such that coverage of all benefits provided to children under the CHIP state plan are the same as coverage provided under the Medicaid State plan, including Early Periodic Screening Diagnosis and Treatment (EPSDT) services. Delaware will provide EPSDT services under its CHIP state plan in a manner consistent with the requirements of sections 1905(r) and 1902(a)(43) of the Social Security Act.

Your Project Officer is Ticia Jones. She is available to answer your questions concerning this amendment and other CHIP-related matters. Her contact information is as follows:

Centers for Medicare & Medicaid Services Center for Medicaid and CHIP Services 7500 Security Boulevard, Mail Stop: S2-01-16 Baltimore, MD 21244-1850

Telephone: (410) 786-8145 E-mail: Ticia.Jones@cms.hhs.gov

If you have additional questions, please contact Meg Barry, Director, Division of State Coverage Programs, at (410) 786-1536. We look forward to continuing to work with you and your staff.

Sincerely, /Signed by Sarah deLone/

Sarah deLone Director

State/T	erritory:	DELAW	VARE		
		(Name of State	e/Terri	tory)	
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As a co 457.40		eceipt of Federal funds	unde	r Title XXI of the Social	Security Act, (42 CFR,
		Thomas R. C	Carper,	, Governor	June 30, 1998
	(Sig	nature of Governor, or	desigr	nee, of State/Territory, I	Date Signed)
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agrees Plan, tł	to administe ne requirem	er the program in accor	dance X of th	with the provisions of the Act (as appropriate)	ince Program and hereby the approved Child Health and all applicable Federal
	lowing State 57.40(c)):	e officials are responsib	le for p	program administration	and financial oversight (42
Name:	Stephen G	roff-Theodore Mermigo	S	Position/Title: Acting D	irector
Name:	Lisa Zimme	<u>erman</u> F	Positio	on/Title: Deputy Director	<u>r </u>
Name:	Alexis Brya	ın-Dorsey Unkyong Gol	ldie	Position/Title: Chief of	Administration

*Disclosure. According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0938-0707. The time required to complete this information collection is estimated to average 80 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, write to: CMS, 7500 Security Blvd., Attn: PRA Reports Clearance Officer, Mail Stop C4-26-05, Baltimore, Maryland 21244-1850.

1.4. Provide the effective (date costs begin to be incurred) and implementation (date services begin to be provided) dates for this SPA (42 CFR 457.65). A SPA may only have one effective date, but provisions within the SPA may have different implementation dates that must be after the effective date.

Original Plan

Effective Date: October 1, 1998
Implementation Date: February 1, 1999

Subsequent Plan Amendments

State Plan Amendment	Effective Date	Implementation Date
SPA #1	July 1, 1999	
SPA #2	October 1, 2001	August 1, 2001
SPA #3	June 12, 2003	Withdrawn – June 12, 2003
SPA #4	January 1, 2007	October 1, 2009
SPA #5	April 1, 2009	April 1, 2009
SPA #6	July 1, 2010	July 1, 2010
SPA #7	July 1, 2014	July 1, 2014
SPA # DE-CHIP-16-001	January 1, 2017	January 1, 2017
SPA # DE-CHIP-17-003	October 2, 2017	October 2, 2017
SPA # DE-CHIP-18-003	October 12, 2018	October 12, 2018
SPA # DE-CHIP-19-004	July 1, 2018	July 1, 2018
SPA # DE-CHIP-20-0003	March 1, 2020	March 1, 2020
SPA # DE-CHIP-20-0007	October 1, 2020	October 1, 2020
SPA # DE-CHIP-22-0014	July 1, 2023	<u>July 1, 2023</u>

Summary of Approved CHIP MAGI SPAs:

Transmittal Number	SPA Group	PDF #	Description	Superseded Plan Section(s)
DE-13-0012 Effective/ Implementation Date: January 1, 2014	MAGI Eligibility & Methods	CS7	Eligibility – Targeted Low Income Children	Supersedes the current sections Geographic Area 4.1.1; Age 4.1.2; and Income 4.1.3
		CS15	MAGI-Based Income Methodologies	Incorporate within a separate subsection under section 4.3
DE-13-0013 Effective/ Implementation Date: January 1, 2014	XXI Medicaid Expansion	CS3	Eligibility for Medicaid Expansion Program	Supersedes the current Medicaid expansion section 4.0
DE-13-0016 Effective/ Implementation Date: January 1, 2014	Establish 2101(f) Group	CS14	Children Ineligible for Medicaid as a Result of the Elimination of Income Disregards	Incorporate within a separate subsection under section 4.1
DE-13-0015 Effective/	Non- Financial Eligibility	CS17	Non-Financial Eligibility – Residency	Supersedes the current section 4.1.5
Implementation Date: January 1, 2014		CS18	Non-Financial Eligibility – Citizenship	Supersedes the current sections 4.1.0; 4.1.1-LR; 4.1.1-LR

		CS19 CS20	Non-Financial Eligibility – Social Security Number Non-Financial Eligibility – Substitution of Coverage Non-Payment of Premiums	Supersedes the current section 4.1.9.1 Supersedes the current section 4.4.4 Supersedes the current section
		CS27	Continuous Eligibility	8.7 Supersedes the current section 4.1.8
DE-13-0014 Effective/Implementation Date: October 1, 2013	Eligibility Processing	CS24	Eligibility Process	Supersedes the current sections 4.3 and 4.4
DE-22-0012 Effective/Implementation Date: July 1, 2022	Non- Financial Eligibility	<u>CS27</u>	Continuous Eligibility	Supersedes the current CS27 SPA MMDL template under SPA #DE-13-0015

SPA #: DE-20-0007-CHIP DE-CHIP-22-0014

Purpose of SPA: Health Services Initiatives - Vision Services - School-Based Initiative - to revise language for Delaware's CHIP State Plan Health Service Initiative to align with the Delaware Department of Education's (DDOE's) definition of low-income in its Vision Services - School-Based Initiative, and to revise the data collection process to aid in identification of uninsured children.

<u>Purpose of SPA: The purpose of this proposed SPA DE-CHIP-22-0014 is to align services provided to children under Delaware's Title XXI CHIP State Plan with services provided to children under Delaware's Title XIX Medicaid State Plan.</u>

Proposed effective date: July 1, 2023

Proposed implementation date: July 1, 2023

1.4-TC Tribal Consultation (Section 2107(e)(1)(C)) Describe the consultation process that occurred specifically for the development and submission of this State Plan Amendment, when it occurred and who was involved.

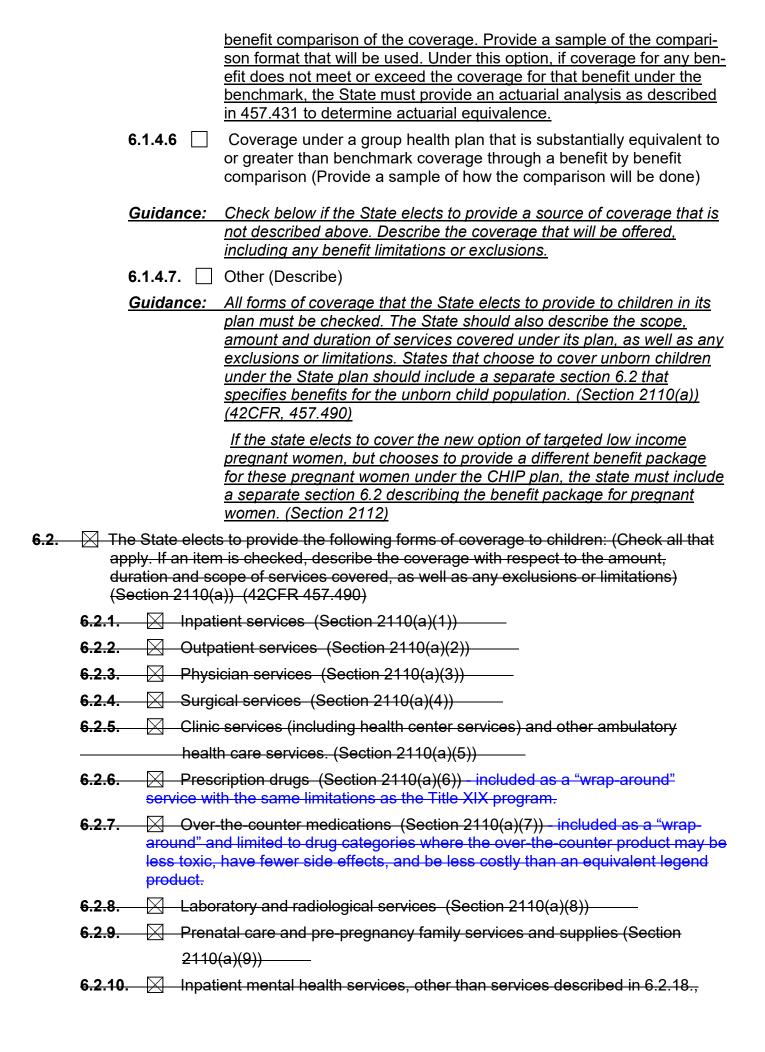
Delaware does not have any federally recognized Indian tribes. Any Delaware resident, including those who are American Indians or Alaska Natives, may participate in the review of amendments to state law or regulation and may offer comments on all program policies, including those relating to provision of child health assistance to American Indian or Alaskan Native children.

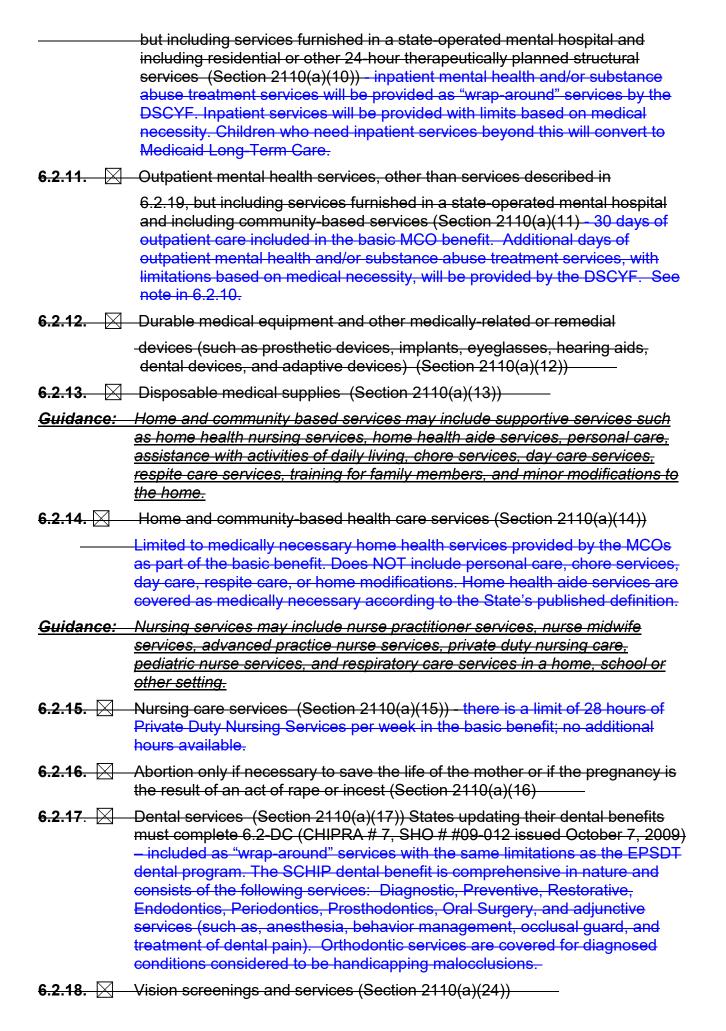
TN No: Approval Date Effective Date

Guidance: Secretary-approved coverage refers to any other health benefits coverage deemed appropriate and acceptable by the Secretary upon application by a state. (Section 2103(a)(4)) (42 CFR 457.250)

6.1.4. X Secretary-approved Coverage. (Section 2103(a)(4)) (42 CFR 457.450) **Guidance**: Section 1905(r) of the Act defines EPSDT to require coverage of (1) any medically necessary screening, and diagnostic services, including vision, hearing, and dental screening and diagnostic services, consistent with a periodicity schedule based on current and reasonable medical practice standards or the health needs of an individual child to determine if a suspected condition or illness exists; and (2) all services listed in section 1905(a) of the Act that are necessary to correct or ameliorate any defects and mental and physical illnesses or conditions discovered by the screening services, whether or not those services are covered under the Medicaid state plan. Section 1902(a)(43) of the Act requires that the State (1) provide and arrange for all necessary services, including supportive services, such as transportation, needed to receive medical care included within the scope of the EPSDT benefit and (2) inform eligible beneficiaries about the services available under the EPSDT benefit. If the coverage provided does not meet all of the statutory requirements for EPSDT contained in sections 1902(a)(43) and 1905(r) of the Act, do not check this box. **6.1.4.1.** Coverage of all benefits that are provided to children under the the same as Medicaid State plan, including Early Periodic Screening Diagnosis and Treatment (EPSDT) 6.1.4.2. Comprehensive coverage for children under a Medicaid Section 1115 demonstration waiver 6.1.4.3. Coverage that the State has extended to the entire Medicaid popula-**Guidance:** Check below if the coverage offered includes benchmark coverage, as specified in 457.420, plus additional coverage. Under this option, the State must clearly demonstrate that the coverage it provides includes the same coverage as the benchmark package, and also describes the services that are being added to the benchmark package. 6.1.4.4. Coverage that includes benchmark coverage plus additional coverage 6.1.4.5. Coverage that is the same as defined by existing comprehensive statebased coverage applicable only New York, Pennsylvania, or Florida (under 457.440) Guidance: Check below if the State is purchasing coverage through a group health plan, and intends to demonstrate that the group health plan is substantially equivalent to or greater than to coverage under one of the

benchmark plans specified in 457.420, through use of a benefit-by-





6.2.19.	Hearing screenings and services (Section 2110(a)(24))
6.2.20. ⊠	Inpatient substance abuse treatment services and residential substance abuse treatment services (Section 2110(a)(18))—see note in 6.2.10.
6.2.21.	Outpatient substance abuse treatment services (Section 2110(a)(19)) – see note in 6.2.11.
6.2.22.	Case management services (Section 2110(a)(20))
6.2.23 . 🗵	Care coordination services (Section 2110(a)(21))
6.2.24.	Physical therapy, occupational therapy, and services for individuals with speech, hearing, and language disorders (Section 2110(a)(22))
6.2.25.	Hospice care (Section 2110(a)(23))
Guidance:	See guidance for section 6.1.4.1 for a guidance on the statutory requirements for EPSDT under sections 1905(r) and 1902(a)(43) of the Act. If the benefit being provided does not meet the EPSDT statutory requirements, do not check this box.
<u>6.2.26.</u>	EPSDT consistent with requirements of sections 1905(r) and 1902(a)(43) of the Act
<u>Guidance:</u>	Any other medical, diagnostic, screening, preventive, restorative, remedial, therapeutic or rehabilitative service may be provided, whether in a facility, home, school, or other setting, if recognized by State law and only if the service is: 1) prescribed by or furnished by a physician or other licensed or registered practitioner within the scope of practice as prescribed by State law: 2) performed under the general supervision or at the direction of a physician; or 3) furnished by a health care facility that is operated by a State or local government or is licensed under State law and operating within the scope of the license.
6.2.27.	Any other medical, diagnostic, screening, preventive, restorative, remedial, therapeutic, or rehabilitative services. (Section 2110(a)(24))
6.2.28.	Premiums for private health care insurance coverage (Section 2110(a)(25)) ———
6.2.29.	Medical transportation (Section 2110(a)(26)) - Emergency transportation only as provided in the basic benefit package.
may be offer	Enabling services, such as transportation, translation, and outreach services, red only if designed to increase the accessibility of primary and preventive services for eligible low-income individuals.
6.2.30.	Enabling services (such as transportation, translation, and outreach services) (Section 2110(a)(27))
CHIP Disas	ter Relief:
	s discretion, it may temporarily provide nonemergency transportation to CHIP no reside and/or work in a State or Federally declared disaster area.
6.2.31	Any other health care services or items specified by the Secretary and not included under this Section (Section 2110(a)(28))
The State el	ects to provide the following forms of coverage to children: (Check all that

6.2. The State elects to provide the following forms of coverage to children: (Check all that apply. If an item is checked, describe the coverage with respect to the amount, duration

and scope of services covered, as well as any exclusions or limitations) (Section 2110(a)) (42CFR 457.490)					
	Coverage with respect to the amount, duration and scope of services covered, as well as any exclusions or limitations, is applied in the same manner as coverage under Delaware's				
	edicaid State Plan. Inpatient services (Section 2110(a)(1))				
6.2.2.	Outpatient services (Section 2110(a)(2))				
<u>6.2.3.</u>	Physician services (Section 2110(a)(3))				
6.2.4.	Surgical services (Section 2110(a)(4))				
<u>6.2.5.</u> ⊠	Clinic services (including health center services) and other ambulatory health care services. (Section 2110(a)(5))				
<u>6.2.6.</u> 🔀	Prescription drugs (Section 2110(a)(6))				
6.2.7.	Over-the-counter medications (Section 2110(a)(7))				
6.2.8.	Laboratory and radiological services (Section 2110(a)(8))				
<u>6.2.9.</u>	Prenatal care and pre-pregnancy family services and supplies (Section 2110(a)(9))				
6.2.10.	Durable medical equipment and other medically-related or remedial devices (such as prosthetic devices, implants, eyeglasses, hearing aids, dental devices, and adaptive devices) (Section 2110(a)(12))				
<u>6.2.11.</u>	Disposable medical supplies (Section 2110(a)(13))				
Guidance:	Home and community based services may include supportive services such as home health nursing services, home health aide services, personal care, assistance with activities of daily living, chore services, day care services, respite care services, training for family members, and minor modifications to the home.				
<u>6.2.12.</u>	Home and community-based health care services (Section 2110(a)(14))				
Guidance:	Nursing services may include nurse practitioner services, nurse midwife services, advanced practice nurse services, private duty nursing care, pediatric nurse services, and respiratory care services in a home, school or other setting.				
<u>6.2.13.</u> 🔀	Nursing care services (Section 2110(a)(15))				
<u>6.2.14.</u> ⊠	Abortion only if necessary to save the life of the mother or if the pregnancy is the result of an act of rape or incest (Section 2110(a)(16)				
6.2.15.	Dental services (Section 2110(a)(17)) States updating their dental benefits must complete 6.2-DC (CHIPRA # 7, SHO # #09-012 issued October 7, 2009)				
6.2.16.	Vision screenings and services (Section 2110(a)(24))				

<u>6.2.17.</u>	Hearing screenings and services (Section 2110(a)(24))
<u>6.2.18.</u>	Case management services (Section 2110(a)(20))
6.2.19.	Care coordination services (Section 2110(a)(21))
6.2.20.	Physical therapy, occupational therapy, and services for individuals with speech, hearing, and language disorders (Section 2110(a)(22))
6.2.21.	Hospice care (Section 2110(a)(23))
Guidance:	See guidance for section 6.1.4.1 for a guidance on the statutory requirements for EPSDT under sections 1905(r) and 1902(a)(43) of the Act. If the benefit being provided does not meet the EPSDT statutory requirements, do not check this box.
<u>6.2.22</u> . 🔀	EPSDT consistent with requirements of sections 1905(r) and 1902(a)(43) of the Act
	6.2.22.1 ☐ The state assures that any limitations applied to the amount, duration, and scope of benefits described in Sections 6.2 and 6.3- BH of the CHIP state plan can be exceeded as medically necessary.
Guidance:	Any other medical, diagnostic, screening, preventive, restorative, remedial, therapeutic or rehabilitative service may be provided, whether in a facility, home, school, or other setting, if recognized by State law and only if the service is: 1) prescribed by or furnished by a physician or other licensed or registered practitioner within the scope of practice as prescribed by State law; 2) performed under the general supervision or at the direction of a physician; or 3) furnished by a health care facility that is operated by a State or local government or is licensed under State law and operating within the scope of the license.
<u>6.2.23.</u> ⊠	Any other medical, diagnostic, screening, preventive, restorative, remedial, therapeutic, or rehabilitative services. (Section 2110(a)(24))
6.2.24.	Premiums for private health care insurance coverage (Section 2110(a)(25))
<u>6.2.25.</u> ⊠	Medical transportation (Section 2110(a)(26))
Guidance:	Enabling services, such as transportation, translation, and outreach services, may be offered only if designed to increase the accessibility of primary and preventive health care services for eligible low-income individuals.
<u>6.2.26.</u> X	Enabling services (such as transportation, translation, and outreach services) (Section 2110(a)(27))
6.2.27 . ⊠	Any other health care services or items specified by the Secretary and not included under this Section (Section 2110(a)(28))

9.10.

below. The budget must describe: (Section 2107(d)) (42CFR 457.140)

- Planned use of funds, including:
 - Projected amount to be spent on health services;
 - Projected amount to be spent on administrative costs, such as outreach, child health initiatives, and evaluation; and
 - Assumptions on which the budget is based, including cost per child and expected enrollment.
 - Projected expenditures for the separate child health plan, including but not limited to expenditures for targeted low income children, the optional coverage of the unborn, lawfully residing eligibles, dental services, etc.
 - All cost sharing, benefit, payment, eligibility need to be reflected in the budget.
- Projected sources of non-Federal plan expenditures, including any requirements for cost-sharing by enrollees.
- Include a separate budget line to indicate the cost of providing coverage to pregnant women.
- States must include a separate budget line item to indicate the cost of providing coverage to premium assistance children.
- Include a separate budget line to indicate the cost of providing dental-only supplemental coverage.
- Include a separate budget line to indicate the cost of implementing Express Lane Eligibility.
- Provide a 1-year projected budget for all targeted low-income children covered under the state plan using the attached form. Additionally, provide the following:
 - Total 1-year cost of adding prenatal coverage
 - Estimate of unborn children covered in year 1

CHIP Budget

STATE: Delaware	CHIP Health Service Initiative	Cost Projection of Approved CHIP Plan	Total
Federal Fiscal Year	FFY 2021	FFY 2021	FFY 2021
State's enhanced FMAP rate	70.42%	70.42%	70.42%
Benefit Cost			
- Insurance Payments			
- Managed care		\$33,859,014	\$33,859,014
- per member/per month rate		11,088 / \$276.12	
- Fee for Service		\$6,215,288	\$ \$6,215,288
Total Benefit Costs		\$40,074,302	\$36,545,169
(Offsetting beneficiary cost sharing payments)		(\$37,500)	(\$900,000)
Net Benefit Costs		\$40,036,802	\$35,645,169
- Cost of Proposed SPA Changes - Benefit	\$0	\$0	\$0
Administrative Costs			
- Personnel		\$94,521	\$100,000
- General Administration		\$266,386	\$369,298
- Contractors/Brokers		\$190,627	\$267,115
- Claims Processing		\$553,467	\$756,508
- Outreach/marketing costs			
- Health Services Initiatives		\$98,880	\$98,880
- Other			
Total Administrative Costs		\$1,203,801	\$1,591,801
- 10% Administrative Cap		\$4,033,680	\$3,723,697
- Cost of Proposed SPA Changes	\$0	\$0	\$49,500
- Federal Share	\$0	\$28,193,916	\$28,193,916
- State Share	\$0	\$11,842,886	\$11,842,886
Total Program Costs	\$0	\$41,240,603	\$41,240,603

Budget Assumptions

- Rate of Client growth will increase an average of 1.0 % in FY 2021;
- Capitation rates paid to commercial managed care organizations will increase an average of 1.5% based on new contracts;
- Enhanced Federal FMAP will be 74.76% effective October 1, 2020 and 70.42% effective April 1, 2021

CHIP Budget

STATE: Delaware	CHIP Health Service Initiative	Cost Projection of Approved CHIP Plan	Total
Federal Fiscal Year	FFY 2023	FFY 2023	FFY 2023
State's enhanced FMAP rate	75.28%	75.28%	75.28%
Benefit Cost			
Insurance Payments			
Managed care		\$25,323,201	\$25,323,201
per member/per month rate		\$299	
# of enrollees		5,200	5,200
Fee for Service		\$5,307,360	\$5,307,360
Total Benefit Costs		\$30,630,561	\$30,630,561
(Offsetting beneficiary cost sharing payments)			
Net Benefit Costs		\$30,630,561	\$30,630,561
Cost of Proposed SPA Changes - Benefit		\$177,355	\$177,355
Administrative Costs			
Personnel		\$115,719	\$115,719
General Administration		\$1,040,000	\$1,040,000
Contractors/Brokers		\$272,658	\$272,658
Claims Processing		\$117,996	\$117,996
Outreach/marketing costs			
Health Services Initiatives	\$48,000		\$48,000
Other			
Total Administrative Costs		\$1,546,373	\$1,594,373
10% Administrative Cap		\$3,403,396	\$3,403,396
Cost of Proposed SPA Changes			
Federal Share		\$24,356,309	\$24,356,309
State Share		\$7,997,980	\$7,997,980
Total Program Costs		\$32,354,289	\$32,354,289

Budget Assumptions

- Client growth will decrease throughout FFY 2023 until redeterminations start
- Capitation rates paid to commercial managed care organizations will increase an average of 2.5% based on new contracts;
- Enhanced Federal FMAP will start at 75.28% and "step down" during the PHE unwinding.
- The primary cost driver of adding coverage of EPSDT benefits is our NEMT benefit.

CHIP Budget

STATE: Delaware	CHIP Health Service Initiative	Cost Projection of Approved CHIP Plan	Total
Federal Fiscal Year	FFY 2024	FFY 2024	FFY 2024
State's enhanced FMAP rate	71.80%	71.80%	71.80%
Benefit Cost			
Insurance Payments			
Managed care		\$30,709,270	\$30,709,270
per member/per month rate		\$325	
# of enrollees		7,450	7,450
Fee for Service		\$5,418,943	\$5,418,943
Total Benefit Costs		\$36,128,213	\$36,128,213
(Offsetting beneficiary cost sharing payments)		(\$75,000)	(\$75,000)
Net Benefit Costs		\$36,053,213	\$36,053,213
Cost of Proposed SPA Changes - Benefit		\$945,977	\$945,977
Administrative Costs			
Personnel		\$116,877	\$116,877
General Administration		\$1,060,000	\$1,060,000
Contractors/Brokers		\$275,385	\$275,385
Claims Processing		\$119,176	\$119,176
Outreach/marketing costs			
Health Services Initiatives	\$48,000		\$48,000
Other			
Total Administrative Costs		\$1,571,438	\$1,619,438
10% Administrative Cap		\$4,005,913	\$4,005,913
Cost of Proposed SPA Changes			
Federal Share		\$27,693,711	\$27,693,711
State Share		\$10,876,917	\$10,876,917
Total Program Costs		\$38,570,628	\$38,570,628

Budget Assumptions

- Client growth will increase 10% during FFFY 24 due to Medicaid changes
- Capitation rates paid to commercial managed care organizations will increase an average of 2.5% based on new contracts;
- Enhanced Federal FMAP will start "step down" during the PHE unwinding and remain at 71.80%.
- The primary cost driver of adding coverage of EPSDT benefits is our NEMT benefit.