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**State Name: Delaware**

**State Plan Amendment (SPA) #08-004**

This file contains the following documents in the order listed:

- 1) Approval Letter
- 2) CMS-179
- 3) Approved SPA Pages

DEPARTMENT OF HEALTH & HUMAN SERVICES  
Centers for Medicare & Medicaid Services  
150 S. Independence Mall West  
Suite 216, The Public Ledger Building  
Philadelphia, Pennsylvania 19106-3499



**Region III/Division of Medicaid and Children's Health Operations**

SWIFT #120220104017

FFR 0 2 2011

Rosanne Mahaney, Director  
Division of Medicaid & Medical Assistance  
Delaware Health and Social Services  
1901 N. DuPont Highway  
New Castle, Delaware 19720-0906

Dear Ms. Mahaney:

We have reviewed State Plan Amendment (SPA) 08-004, in which you propose to modify coverage and payment for Medicaid services provided in schools under Early Periodic Screening, Detection and Treatment (EPSDT). This SPA, as modified by your email notes dated January 12, 2011, January 18, 2011, January 24, 2011 and February 10, 2011 is acceptable. Therefore, we are approving SPA 08-004 with an effective date of July 1, 2008. Enclosed are the approved SPA pages and signed CMS-179 form.

If you have further questions about this SPA, please contact Melanie Benning at 215-861-4267.

Sincerely,

Ted Gallagher  
Associate Regional Administrator

Enclosures

**TRANSMITTAL AND NOTICE OF APPROVAL OF  
STATE PLAN MATERIAL**

1. TRANSMITTAL NUMBER:  
SPA #08-004

2. STATE  
Delaware

FOR: HEALTH CARE FINANCING ADMINISTRATION

3. PROGRAM IDENTIFICATION: TITLE XIX OF THE  
SOCIAL SECURITY ACT (MEDICAID)

TO: REGIONAL ADMINISTRATOR  
HEALTH CARE FINANCING ADMINISTRATION  
DEPARTMENT OF HEALTH AND HUMAN SERVICES

4. PROPOSED EFFECTIVE DATE  
July 1, 2008

5. TYPE OF PLAN MATERIAL (Check One):

- NEW STATE PLAN     
 AMENDMENT TO BE CONSIDERED AS NEW PLAN     
 AMENDMENT

COMPLETE BLOCKS 6 THRU 10 IF THIS IS AN AMENDMENT (Separate Transmittal for each amendment)

6. FEDERAL STATUTE/REGULATION CITATION:

42CFR§440.40; 42CFR§431.53; and, 42CFR§433.20 (NEW)

8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT:

- Attachment 3.1-A, Page 2 Addendum; and, <sup>Page 2a Addendum, Page 2b</sup> Addendum;
- Attachment 4.19-B, 19a, 19b, 19c, 19d, <sup>and Page 2c</sup> Addendum; 19e, 19f, 19g, 19h, 19i

7. FEDERAL BUDGET IMPACT:

- a. FFY 2007 \$ -0-
- b. FFY 2008 \$ -0-

9. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION  
OR ATTACHMENT (If Applicable):

~~NA~~ Attachment 3.1-A, Page 2 Addendum (2<sup>nd</sup> & 3<sup>rd</sup> pa. 208)  
Attachment 4.19-B, Page 17a

10. SUBJECT OF AMENDMENT: School-Based Health Services

11. GOVERNOR'S REVIEW (Check One):

- GOVERNOR'S OFFICE REPORTED NO COMMENT  
 COMMENTS OF GOVERNOR'S OFFICE ENCLOSED  
 NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL

**XXX** OTHER, AS SPECIFIED:  
Governor's comments under separate  
correspondence

12. SIGNATURE OF STATE AGENCY OFFICIAL:

13. TYPED NAME:

Harry B. Hill, Director, Division of Medicaid and Medical Assistance

14. TITLE: Designee for Vincent P. Meconi, Secretary, Delaware Health and Social Services

15. DATE SUBMITTED:

August 7, 2008

16. RETURN TO:

~~Harry B. Hill~~ Rosanne Mahaney  
Director, Division of Medicaid and Medical Assistance  
P.O. Box 906  
New Castle, Delaware 19720-0906

**FOR REGIONAL OFFICE USE ONLY**

17. DATE RECEIVED:

August 7, 2008

18. DATE APPROVED:

EB 23 2011

**PLAN APPROVED - ONE COPY ATTACHED**

19. EFFECTIVE DATE OF APPROVED MATERIAL:

July 1, 2008

20. SIGNATURE OF REGIONAL OFFICIAL:

21. TYPED NAME:

Ted Gallagher

22. TITLE:

Associate Regional Administrator

23. REMARKS:

State of Delaware

AMOUNT, DURATION, AND SCOPE OF MEDICAL  
AND REMEDIAL CARE AND SERVICES PROVIDED TO THE  
CATEGORICALLY NEEDY

LIMITATIONS:

4.b.

Delaware assures that all medical necessity services available under Title XIX necessary to correct, or ameliorate defects and physical and mental illnesses and conditions discovered by the screening services are provided to children as required under section 1905(r) of the Act and codified at 42 CFR 440.40 (b), regardless of whether they are covered in the Delaware State Plan. Limitations in the amount, duration, or scope of services articulated in the State Plan shall not apply to children.

Services not covered by Delaware and therefore not otherwise described elsewhere in the Delaware State Plan, provided in the State Plan with significant limitations not applicable to children or provided in settings or under non-traditional reimbursement arrangements designed to meet the unique needs of children include:

- 1) Prescribed Pediatric Extended Care (PPEC) facilities that are licensed as such by the State's Office of Health Facilities, Licensing and Certification and that are provided as an alternative to more expensive institutionalization or as an alternative to community/home care for children who are determined to be in medical need of the service. These services include nursing services speech therapy, physical therapy and occupational therapy provided in an outpatient setting, up to twelve hours per day, five days a week.

PPEC services must be prior authorized using policy established by the Delaware Medicaid program.

TN No. <u>SPA #08-004</u>	Approval Date <u>FEB. 23, 2011</u>
Supersedes	
TN No. <u>SP-298</u>	Effective Date <u>July 1, 2008</u>

ATTACHMENT 3.1-A  
Page 2b Addendum

State of Delaware

AMOUNT, DURATION, AND SCOPE OF MEDICAL  
AND REMDIAL CARE AND SERVICES PROVIDED TO THE  
CATEGORICALLY NEEDY

LIMITATIONS:

4.b. (continued)

- 2) School-based Health Services - Medicaid covers the following health and mental health services provided or purchased by the Delaware Department of Education (DOE) or Local Education Agency (LEA) when they are medically necessary and furnished by providers meeting specified criteria:
- (a) EPSDT screens, including vision, dental, immunization, orthopedic, mental health and developmental screening (per 42 CFR 440.40(b))
  - (b) Nursing Services, including provision of one-on-one individualized Health Education (per 42 CFR 440.60 and 440.170)
  - (c) Physical Therapy, Occupational Therapy, Speech Therapy, Language and Hearing Services (per 42 CFR 440.110)
  - (d) Rehabilitative behavioral health services designed to correct or ameliorate a mental health or developmental disability and restore a recipient to his or her best possible level of functioning as determined via an EPSDT screen and documented in an Individualized Education Plan (IEP)/Individualized Family Service Plan (IFSP) (per 42 CFR 440.130), including:
    - Psychological and developmental assessment
    - Counseling and therapy
  - (e) Specialized transportation of children (as defined in Title 14 Del.C. §202) between home and school on days when the transportation is necessary to receive a Medicaid-covered service. Both the need for the Medicaid-covered service and the need for transportation must be documented in the child's IEP (per 42 CFR 440.170).

With the exception of EPSDT screens, all services covered under this section are diagnostic or active treatments designed to reasonably improve the student's physical or mental condition and are provided to the student whose condition or functioning can be expected to reasonably improve with interventions.

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TN No. SP-298

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ATTACHMENT 3.1-A  
Page 24 Addendum

State of Delaware

AMOUNT, DURATION, AND SCOPE OF MEDICAL  
AND REMEDIAL CARE AND SERVICES PROVIDED TO THE  
CATEGORICALLY NEEDY

LIMITATIONS:

4.b. (continued)

With the exception of the EPSDT screens, all services covered under this section shall be medically necessary and shall be prescribed in a written treatment plan signed by a licensed practitioner within the scope of practice as defined under state law or regulations and documented in the student's IEP/IFSP. Services must be performed by qualified professionals operating within the scope of their practice under State law and regulations. The services described below, which are delivered by school providers, are also available in the community from other providers.

Services must be provided by qualified providers who meet the requirements of the regulations cited above in this section and other applicable state law and regulations as per 42 CFR 440.60. Unlicensed professionals may operate under the direction of a licensed practitioner who acts as supervisor and is responsible for the work, plans the work and methods, who regularly reviews the work performed and is accountable for the results. Supervision must adhere to the requirements of the practitioner's applicable licensing board. The licensed practitioner must co-sign documentation for all services provided by practitioners under his or her direction.

Providers must maintain all records necessary to fully document the nature, quality, amount and medical necessity of services furnished to Medicaid recipients.

- 3) Mental Health and Drug/Alcohol services approved and monitored through the Department of Services for Children, Youth and their Families. These include:
- (a) Mental Health Outpatient Services
  - (b) Mental Health Case Management
  - (c) Professional Medical Services (i.e., neurologists, clinical psychologists, psychiatric social workers and other licensed medical providers)
  - (d) Psychiatric facility services
  - (e) Drug/Alcohol Rehabilitation Services.

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ATTACHMENT 3.1-A  
Page 2c Addendum

## State of Delaware

AMOUNT, DURATION, AND SCOPE OF MEDICAL  
AND REMEDIAL CARE AND SERVICES PROVIDED TO THE  
CATEGORICALLY NEEDY

## LIMITATIONS:

- 4.b. (continued)
- 4) Medical Equipment and Supplies per 42 CFR 440.70
  - 5) Orthotics and Prosthetics
  - 6) Chiropractic Services
  - 7) Any other medical or remedial care provided by licensed medical providers as authorized under 42 CFR 440.60. Unlicensed professionals may operate under the direction of a licensed practitioner who acts as supervisor and is responsible for the work, plans the work and methods, who regularly reviews the work performed and is accountable for the results. Supervision must adhere to the requirements of the practitioner's applicable licensing board. The licensed practitioner must co-sign documentation for all services provided by practitioners under his or her direction.
  - 8) Any other services as required by §6403 of OBRA '89 as it amended §1902(a)(43), §1905(a)(4)(B) and added a new §1905(r) to the Act.

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