



February 28, 2023

Re: Home and Community-Based Services Corrective Action Plan (CAP) Request

Dear Ms. Richardson,

As permitted by the Centers for Medicare & Medicaid Services (CMS), the State of Delaware Division of Medicaid and Medical Assistance (DMMA) is formally submitting a Corrective Action Plan (CAP) to permit flexibility with specific home and community-based services (HCBS) settings compliance areas that were impacted by the public health emergency.

DMMA is specifically requesting an extension through December 31, 2023 to permit time to make additional progress on the following activities:

- Confirming that all beneficiaries receiving HCBS from DMMA's partner Division, the Division of Developmental Disabilities Services (ODDS), has completed a lease agreement that is in compliance with the HCBS Final Rule;
- Confirming that all providers serving beneficiaries through the PROMISE program have made necessary modifications as identified during provider site-specific assessments which occurred as part of the ongoing monitoring by the Division of Substance Abuse and Mental Health (DSAMH). This will also allow DMMA or DSAMH time to perform any necessary look-behind reviews to validate the provider's modifications were made; and
- Confirming the status of all milestones as per the approved Statewide Transition Plan.

Additionally, DMMA has submitted one setting for Heightened Scrutiny and requests additional time to resolve this request with CMS.

The State encountered pandemic-related barriers that impacted the ability to conduct review and necessary on-site monitoring activities and to verify completion of milestones, but looks forward to the opportunity to further engage with CMS, with the goal of completion of these activities by December 31, 2023.

Please contact me at theodore.mermigos@delaware.gov for further discussion.

Thank you,


Theodore G. Mermigos, Jr.
Acting Director