

April 30, 2012

Sharon L. Summers
Policy and Program Development Unit
Division of Social Services
1901 North DuPont Highway
P.O. Box 906
New Castle, DE 19720-0906

RE: DMMA Proposed HCBS Waiver Regulation. [15 DE Reg. 1414 (April 1, 2012)]

Dear Ms. Summers:

The Governor's Advisory Council for Exceptional Citizens (GACEC) understands that the Division of Medicaid & Medical Assistance (DMMA) is updating its regulations to reflect the conversion of multiple Home and Community-Based Services (HCBS) waivers into the new Diamond State Health Plan Plus (DSHP+) Waiver effective April 1, 2012. The new Waiver will be known as "Long Term Care Community Services". The "Summary of Proposal" notes that the ABI, Assisted Living and Elderly and Disabled (E&D) Waivers were merged into a consolidated Elderly/Disabled Waiver in December, 2010. This consolidated E&D waiver and the AIDS/HIV waivers are now being discontinued in favor of the DSHP+ Waiver. The DDDS HCBS Waiver remains a separate program. The GACEC **endorses** the proposed consolidation subject to correction of three minor concerns.

First, §20700.1, Par. 2, refers to "(o)nce an individual is placed in a residential facility". This is a somewhat outdated concept which demeans individual autonomy and choice. Moreover, a shared living residence (a/k/a foster home) is not commonly viewed as a "facility". Council asks that you consider the following substitute: "(o)nce an individuals accepts a residential setting".

Second, in §20720, Par. 2, an "s" should be added to "circumstance" to make it plural.

Third, in §20720, Par. 3, Council suggests changing the reference to "...Assisted Living Facility will ~~make~~ submit their patient pay amount..."

Thank you in advance for your time and consideration of our observations. Please feel free to contact me or Wendy Strauss at the GACEC office should you have any questions.

Sincerely,

Terri A. Hancharick
Chairperson

TAH:kpc