

November 30, 2015

Glyne Williams
Planning, Policy & Quality Unit
Division of Medicaid & Medical Assistance
1901 N. DuPont Hwy.
P.O. Box 906
New Castle, DE 19720-0906

RE: DMMA Proposed EPSDT Inpatient Psychiatric Hospital Services Regulation [19 DE Reg. 380 (November 1, 2015)]

Dear Mr. Williams:

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed the Division of Medicaid and Medical Assistance (DMMA) proposal to amend the Medicaid State Plan in the context of coverage and reimbursement methodology for psychiatric residential treatment facilities.

As background, the Division notes that federal Early and Periodic Screening, Diagnosis and Treatment (EPSDT) standards require State Medicaid programs to offer a comprehensive array of services for individuals under age 21. In the mental health and substance abuse contexts, such services include "rehabilitative services" and "inpatient psychiatric services for individuals under age 21". At 381-383. On February 23, 2011, CMS sent DMMA a letter sharing concerns with the Division's monthly bundled rates for rehabilitative child mental health and substance abuse services under the EPSDT program. At 383. Furthermore, the Centers for Medicare and Medicaid Services (CMS) issued a bulletin in 2012 which increased flexibility in covering costs of services to persons under age 21 in inpatient psychiatric facilities.

DMMA is now implementing the CMS guidance by adopting a Medicaid State Plan Amendment based on a CMS template. The amendment results in no increase in costs to the General Fund. At 384.

Council did not identify any technical concerns with the State Plan Amendment and **endorses** the proposed amendments since the changes are prompted by the need to conform to CMS guidance,

increase flexibility and result in no cost in General Funds to the State.

Thank you for the proposed amendment and your consideration of our observations. Please contact me or Wendy Strauss at the GACEC office if you ever have questions on any of our observations.

Sincerely,

Robert D. Overmiller
Chairperson

RDO:kpc