



ATTACHMENT 4: FY 2016 BUDGET EPILOGUE LANGUAGE (Section 178)

As the General Assembly is supportive of people receiving Home and Community Based Services (HCBS) and their families to have access to settings and services that they need and prefer, the Department of Health and Social Services, Division of Medicaid and Medical Assistance (35-02-00) and Division of Developmental Disabilities Services (35-11-00) are directed to submit for prior approval by the Joint Finance Committee any plan to the Centers for Medicare and Medicaid Services (CMS) that commits the State of Delaware to engage in remediation activities intended to bring settings into compliance with the HCBS regulations. The assessment of each setting to meet the HCBS regulations shall only be based on individuals receiving the DDDS Home and Community Based Waiver or Pathways to Employment funding. Said plan shall be submitted to and approved by the Joint Finance Committee in a manner and according to a timeframe which shall not interfere with the State's ability to comply with its obligations to the federal Centers for Medicare and Medicaid Services. To assure that adequate financial consideration has been given to these activities, the remediation plan shall be developed in consultation with authorized providers of each service type and shall include the projected fiscal impact of the transition activities, as well as the likely impact of these activities on the quantity and quality of services available to people with disabilities in Delaware. The remediation plan and associated documents shall be submitted to the Controller General and the Office of Management and Budget for approval, prior to submission to CMS. Nothing in this section shall require the Department of Health and Social Services to provide personally identifiable healthcare information to the Joint Finance Committee.