

# APPENDIX K: Emergency Preparedness and Response and COVID-19 Addendum

## Background:

This standalone appendix may be utilized by the state during emergency situations to request amendments to its approved waiver, to multiple approved waivers in the state, and/or to all approved waivers in the state. It includes actions that states can take under the existing Section 1915(c) home and community-based waiver authority in order to respond to an emergency. Other activities may require the use of various other authorities such as the Section 1115 demonstrations or the Section 1135 authorities.<sup>i</sup> This appendix may be applied retroactively as needed by the state. Public notice requirements normally applicable under 1915(c) do not apply to information contained in this Appendix.

## Appendix K-1: General Information

### General Information:

A. State: Delaware

B. Waiver Title(s): DDDS Lifespan Waiver

C. Control Number(s):

DE.0009.R08.03

D. Type of Emergency (The state may check more than one box):

<input checked="" type="radio"/>	Pandemic or Epidemic
<input type="radio"/>	Natural Disaster
<input type="radio"/>	National Security Emergency
<input type="radio"/>	Environmental
<input type="radio"/>	Other (specify):

E. **Brief Description of Emergency.** *In no more than one paragraph each*, briefly describe the: 1) nature of emergency; 2) number of individuals affected and the state's mechanism to identify individuals at risk; 3) roles of state, local and other entities involved in approved waiver operations; and 4) expected changes needed to service delivery methods, if applicable. The state should provide this information for each emergency checked if those emergencies affect different geographic areas and require different changes to the waiver.

The Governor issued a State of Emergency declaration on March 12, 2020 that became effective on March 13, 2020 ordering Delawareans to stay at home whenever possible and closing all non-essential businesses in Delaware to help fight the spread of COVID-19. The declaration will remain in effect until May 15 or until the public health threat is eliminated.

The COVID-19 pandemic has required all Delawareans to take dramatic emergency actions to slow the transmission of the virus from person to person. This includes practicing “social distancing” which is impeding DDDS’s ability to ensure that individuals are engaged in the community, as this is contraindicated at this time for their health and well-being. DDDS is also preparing for the impact on its employees and provider direct support professionals of staffing shortages that may result from individuals being quarantined or isolated, in addition to the potential for quarantine or isolation of waiver members. This emergency impacts all the 1,650+ enrolled waiver members. Many of the DDDS Lifespan Waiver members are over 60 or have an underlying health condition, making them particularly vulnerable to the virus. DDDS and its provider network are limiting face to face contact between waiver members and individuals who may have been exposed to the virus to limit spread. Delaware is seeking temporary changes to the DDDS Lifespan Waiver to minimize the need for waiver administrative activities to be conducted in person, to address issues of provider staffing shortages by revising service definitions and expanding settings in which services can be delivered and to assist providers to be financially viable so that they can resume normal activities after the emergency. This Appendix K is additive to those previously approved and extends the anticipated end date to six months after the end of the PHE.

**F. Proposed Effective Date: Start Date: January 27, 2020 Anticipated End Date: No Later Than six months after the expiration of the PHE.**

**G. Description of Transition Plan.**

Not applicable

**H. Geographic Areas Affected:**

Entire state

**I. Description of State Disaster Plan (if available) *Reference to external documents is acceptable:***

N/A

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## 8. Authorizing Signature

**Signature:**

**Date:** 1/12/2021

\_\_\_\_\_/S/\_\_\_\_\_  
State Medicaid Director or Designee

**First Name:** *Stephen*  
**Last Name** *Groff*  
**Title:** Director  
**Agency:** Division of Medicaid and Medical assistance  
**Address 1:** 1901 N DuPont Highway  
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<sup>i</sup> Numerous changes that the state may want to make may necessitate authority outside of the scope of section 1915(c) authority. States interested in changes to administrative claiming or changes that require section 1115 or section 1135 authority should engage CMS in a discussion as soon as possible. Some examples may include: (a) changes to administrative activities, such as the

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establishment of a hotline; or (b) suspension of general Medicaid rules that are not addressed under section 1915(c) such as payment rules or eligibility rules or suspension of provisions of section 1902(a) to which 1915(c) is typically bound.