

**MEMORANDUM**

DATE: September 29, 2009

TO: Ms. Sharon L. Summers, DMMA  
Planning & Policy Development Unit

FROM: Daniese McMullin-Powell, Chairperson  
State Council for Persons with Disabilities

RE: 13 DE Reg. 371 [DMMA Medicaid for Workers with Disabilities Regulation]

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Health and Social Services/Division of Medicaid and Medical Assistance’s (DMMA) proposal to amend its Medicaid for Workers with Disabilities MWD program eligibility regulations published as 13 DE Reg. 371 in the September 1, 2009 issue of the Register of Regulations. SCPD has the following observations.

First, DMMA proposes to revise the implementation date for the program. It was originally expected to become operational in June, 2008. The final regulation adopted last Fall deferred the implementation date to October 1, 2008. See 12 DE Reg. 446, 450 (October 1, 2008). The summary of the latest proposal notes that budget constraints have delayed implementation until October 1, 2009. Given the budget, some delay in implementation is understandable.

Second, the Councils had promoted adoption of a more liberal unearned income limit last Fall. In response, DMMA changed the monthly earned income cap from \$800 to \$904 subject to annual increases based on the Social Security Administration Cost of Living Adjustment (COLA). See 12 DE Reg. 446, 452 (October 1, 2008). DMMA now proposes to raise the cap to \$956 in recognition of the 2009 COLA increase. This favors applicants. The COLA is not expected to change in 2011.

SCPD endorses the proposed regulations since they favor applicants or are ostensibly justified by uncertainties about the FY 10 budget..

Thank you for your consideration and please contact SCPD if you have any questions or comments

regarding our observations on the proposed regulation.

cc: Ms. Rosanne Mahaney  
Mr. Brian Hartman, Esq.  
Governor's Advisory Council for Exceptional Citizens  
Developmental Disabilities Council

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