



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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MEMORANDUM

DATE: April 25, 2011

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

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

RE: 14 DE Reg. 1001 [DMMA Proposed Medicaid LTC Resource Exclusions]

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Health and Social Services/Division of Medicaid and Medical Assistance's (DMMAs) proposal to amend its Medicaid long-term care resource exclusion regulation to conform to federal law. The proposed regulation was published as 14 DE Reg. 1001 in the April 1, 2011 issue of the Register of Regulations. There are two (2) changes.

First, the unspent portion of a retroactive SSI, SSDI, or Social Security retirement benefit is currently disregarded for six (6) months following the month of receipt. The proposed amendment would extend that time period to nine (9) months following the month of receipt.

Second, federal income tax refunds received between January 1, 2010 and December 31, 2012 will be excluded from countable resources for a period of twelve (12) months following the month of receipt.

SCPD endorses the proposed regulation since both changes would benefit Medicaid beneficiaries.

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our position or observations on the proposed regulation.

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