



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES

MARGARET M. O'NEILL BUILDING
410 FEDERAL STREET, SUITE 1
DOVER, DE 19901

VOICE: (302) 739-3620
TTY/TDD: (302) 739-3699
FAX: (302) 739-6704

MEMORANDUM

DATE: June 27, 2016

TO: Ms. Kimberly Xavier, DMMA
Planning & Policy Development Unit

FROM: Ms. Jamie Wolfe, Chairperson
State Council for Persons with Disabilities

RE: 19 DE Reg. 1059 (DMMA Proposed Long-Term Care Facilities – Eligibility Determinations and Post-Eligibility Treatment; Undue Hardships)

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's) proposal to amend the Delaware Social Services Manual (DSSM) to modify language regarding undue hardship provisions. Specifically, the proposed regulation eliminates a very archaic provision that only allows a hardship exception to the transfer of asset and trust provisions for Medicaid long term care eligibility if there is no state facility that could take the applicant (DSSM 20340.11 and 20400.12.1). This is consistent with existing federal regulation, current DMMA practice, and Olmstead principles. The proposed regulation was published as 19 DE Reg. 1059 in the June 1, 2016 issue of the Register of Regulations.

SCPD endorses the proposed regulation.

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: Mr. Stephen Groff
Mr. Brian Hartman, Esq.
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council