



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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MEMORANDUM

DATE: April 26, 2010

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. 1273 [DMMA Proposed Citizenship, Alienage & Deemed Newborns Regulations]

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 and CHIP (a/k/a Delaware Healthy Children Program) eligibility regulations regarding *Citizenship, Alienage & Deemed Newborns*. The proposed regulations were published as 13 DE Reg. 1273 in the April 1, 2010 issue of the Register of Regulations. SCPD has the following observations and recommendation.

First, some pregnant women and children previously disqualified from federally-subsidized Medicaid and CHIP (children only) during a 5-year waiting period will now be eligible for full Medicaid benefits.

Second, newborns will be continuously eligible for full Medicaid benefits for 1 year after birth regardless of whether they remain in the mother's household and regardless of whether the mother is Medicaid-eligible.

Third, since some of these individuals are currently covered only by a State-funded program, the availability of eligibility in federally subsidized programs is expected to result in annual cost savings of \$555,600.00. At 1276. Overall, the 35 pages of revisions are relatively technical and appear to match the drafters' intent. Moreover, while they contemplate acquisition of verification of identity, citizenship, qualified alien status, and/or lawful alien status as required by federal law, they provide applicants with a 90-day period to obtain the requisite proof during which period coverage is provided. See §14390.1.

SCPD endorses the proposed regulations since they expand access to medical care. However, Council recommends one minor amendment, i.e., substituting “individuals with disabilities” for “disabled individuals” in §14400G.

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

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

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