



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: November 19, 2010

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

FROM: Daniese McMullin-Powell, Chairperson ^{DM/klm}
State Council for Persons with Disabilities

RE: 14 DE Reg. 357 [DMMA Proposed Child Eligibility for GA and TANF 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 DSSM regarding Medicaid related General Assistance (GA) and TANF. The proposed regulation was published as 14 DE Reg. 357 in the November 1, 2010 issue of the Register of Regulations.

In August, 2010, the SCPD commented on a related proposed regulation switching eligible children from GA to TANF. The Council noted the generally positive aspects of the proposal (e.g. increased cash benefit) but also identified some concerns. The Division of Medicaid & Medical Assistance adopted a final regulation in October with some amendments prompted by the Council's commentary. [14 DE Reg. 304 (October 1, 2010)]

The Division is now issuing a second proposed regulation which is essentially a "housekeeping" measure which amends the Medicaid State Plan to eliminate child eligibility under GA. SCPD's only concern is that DMMA is repealing some regulations which apply to young adults, i.e., Section 15100, second sentence; Section 16120, third through fifth sentences. The TANF regulation treats individuals as adults upon turning 18. See §3027 at 14 DE Reg. 304, 312 (October 1, 2010). Hence, an 18-19 year old is not a "child" for purposes of qualifying for TANF. Therefore, it is counterintuitive to repeal GA standards which apply to 18-19 year olds since they may still qualify for GA.

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