



STATE OF DELAWARE  
STATE COUNCIL FOR PERSONS WITH DISABILITIES  
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**MEMORANDUM**

DATE: October 28, 2011

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

FROM: Wendy Strauss, Vice-Chairperson  
State Council for Persons with Disabilities

RE: 15 DE Reg. 437 [DMMA Proposed PACE 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's) proposal to adopt a Medicaid State Plan amendment to add Medicaid coverage for *Program of All Inclusive Care for the Elderly (PACE)* as an optional service. The regulation was published as 15 DE Reg. 437 in the October 1, 2011 issue of the Register of Regulations. SCPD has the following observations.

The federal Balanced Budget Act of 1997 authorized states to adopt and implement an integrated Medicare/Medicaid program. DMMA is now adding this new "Program of All Inclusive Care for the Elderly" (PACE) to the Medicaid State Plan. Individuals enrolled in PACE will be exempt from the proposed Diamond State Health Plan Plus program. PACE will have the following features:

**Eligibility:** Individuals must be at least 55 years old. Applicant countable income cannot exceed 250% of the SSDI Federal Benefit (p. 441).

**Services:** An approved provider will be paid a capitated amount which can be derived from both Medicare and Medicaid funds to essentially provide "wrap around" services. The financial risk is borne by the provider which is responsible for "all preventive, primary, acute, and long-term care services". Services would be identified in a plan developed in collaboration with an interdisciplinary team. Available services include "all Medicare and Medicaid covered services, and other services determined necessary by the multidisciplinary team to improve and maintain the care of the PACE participant."

SCPD endorses the proposed regulation since the new program benefits individuals with disabilities.

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

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