



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES

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MEMORANDUM

DATE: April 25, 2012

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

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

RE: 15 DE Reg. 1412 [DMMA Proposed. Estate Recovery & Managed Care 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 the Medicaid State Plan regarding Estate Recovery and Managed Care. The proposed regulation was published as 15 DE Reg. 1412 in the April 1, 2012 issue of the Register of Regulations.

SCPD is aware that federal law requires DMMA to pursue estate recovery for at least some Medicaid expenditures for individuals age 55 or older receiving nursing home services, home and community-based services, and related hospital and prescription drug services. Based on the attached Section 3810(A)(6) of the State Medicaid Manual, when states use a managed care system with a capitation rate, they must pursue recovery of the premium paid to the MCO on behalf of the covered beneficiary. Therefore, DMMA is incorporating the authorization to seek estate recovery of MCO capitation payments in the State Plan.

SCPD endorses the proposed regulation since the amendment is ostensibly required to conform to CMS standards.

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

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