



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES

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MEMORANDUM

DATE: June 25, 2014

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

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

RE: 17 DE Reg. 1138 [DSS Proposed Case Processing Procedures Regulation]

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Health and Social Services/Division of Social Services' (DSS) proposal to amend its regulations regarding *Case Processing Procedures*. The proposed regulation was published as 17 DE Reg. 1138 in the June 1, 2014 issue of the Register of Regulations.

It is Council's understanding that the Disabilities Law Program (DLP) prompted this amendment by identifying to DMMA the following inconsistency in regulations covering the time frames for processing initial Medicaid applications:

Section 14100.5.1 was amended in November, 2013. It provides "90 day" and "45 day" time periods for processing Medicaid applications. However, Section 2000 also covers applications for "medical assistance" and Section 2000.5 establishes a "30 day" time frame for processing the application. These sections are ostensibly inconsistent.

DMMA responded that the reference in §2000 is incorrect and would be removed to clarify that §2000.5 is inapplicable to Medicaid.

The proposed regulation implements the above consensus. In a nutshell, §2000 is amended to clarify that policies specific to Medical Assistance applications are compiled in §14100. However, the regulation could be improved. For example, the 2000 series still contains some references to Medical Assistance (e.g. §§2002.1.1 and 2012) and there is no exclusion in §2000.5 for Medical Assistance cases. Therefore, ambiguity is still present.

DHSS could consider the following:

1) Amend the new reference in §2000 as follows: “Policies specific to Medical Assistance applications and processing time lines are found in DSSM policy section 14100.”

2) Amend the title to §2000.5 as follows: “Non-Medical Assistance Filing Dates and Processing Standards”. This approach is consistent with other headings which are more program-specific. See, e.g. §§2002, 2007, and 2008.

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. Elaine Archangelo
Mr. Stephen Groff
Mr. Brian Hartman, Esq.
Governor’s Advisory Council for Exceptional Citizens
Developmental Disabilities Council

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