



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

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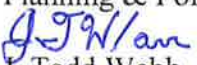
The Honorable John Carney  
Governor

John A. McNeal  
Director

**MEMORANDUM**

DATE: April 30, 2019

TO: Ms. Nicole Cunningham, DMMA  
Planning & Policy Development Unit

FROM:   
J. Todd Webb – Chairperson  
State Council for Persons with Disabilities

RE: 22 DE Reg. 859 [DMMA Final Regulation Regarding Eligibility  
Determination (April 1, 2019)]

The State Council for Persons with Disabilities (SCPD) has reviewed the Division of Medicaid and Medical Assistance's (DMMA) final regulation regarding eligibility determination. The final regulation was published as 22 DE Reg. 859 in the April 1, 2019 issue of the Register of Regulations. DMMA amended Section 17160.1 of the DSS Manual to align with federal policy. Federal Medicaid law protects Medicaid eligibility for certain adults with disabilities whose disability existed before age 22 and whose receipt of Social Security benefits, based on their parent's work record, causes them to lose SSI benefits. The previous language in the proposed regulation relating to DSSM 17160.1 incorrectly stated that SSI must be received because of a disability that began before age 22. However, there is no need to inquire into the basis for receipt of SSI. DMMA removed the erroneous language and made all appropriate changes. The final rule is now consistent with federal law.

SCPD certainly appreciates that DMMA incorporated the Council's recommendations.

cc: Mr. Steve Groff, DMMA  
Laura Waterland, DLP  
Governor's Advisory Council for Exceptional Citizens  
Developmental Disabilities Council

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