

MEMORANDUM

DATE: November 30, 2020

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

FROM: Terri Hancharick – Chairperson *TH*
State Council for Persons with Disabilities

RE: 24 DE Reg. 480 [DMMA Final Regulation on Delaware
Healthy Children’s Program State Plan (November 1, 2020)]

The State Council for Persons with Disabilities (SCPD) has reviewed the Division of Medicaid and Medical Assistance’s (DMMA) final regulation to amend Section 2.2 of Title XXI Delaware Healthy Children’s Program State Plan regarding Health Services Initiatives. The final regulation was published as 24 DE Reg. 480 in the November 1, 2020 issue of the Register of Regulations.

In the January 20, 2020 Delaware Register of Regulations, Delaware Health and Social Services (DHSS) and Division of Medicaid and Medical Assistance (DMMA) proposed changes to Delaware’s Healthy Children’s Program State Plan regarding Health Services Initiatives. The regulation sought to revise the definition of low income to comport with the Delaware Department of Education’s (DDOE’s) definition of low income in its vision services and to revise the process to aid in identifying uninsured children.

SCPD previously sent comments opposing the definitional change that would include only those schools that qualify as a Community Eligibility

(CEP) Schools because it would result in fewer children receiving school-based vision services. Moreover, if the United States Department of Agriculture (USDA) proposed change to the categorical eligibility in SNAP is adopted, one (1) million students nationwide, including students in Delaware, would lose access to free school means. Because of this, SCPD recommended that DMMA retain the current definition of low-income based upon a Title I School.

In addition, SCPD recommended that the need for parental consent for the provision of eye screening, eye examinations, or corrective lenses and frames be retained since consent is required by Delaware law (13 Del. C. §707(a)(2)). SCPD also recommended that the request for insurance information be included in the initial consent form, in order to streamline the process. Lastly, SCPD recommended that DMMA should include a timeline of when students could expect to receive corrective eyewear once the insurance information that was requested of parents was provided.

Regarding the recommendation made by SCPD concerning the definition, namely that the current definition be retained based upon Title I school, DMMA rejected the recommendation because of changes in the school-based nutrition program.

Regarding parental consent, DMMA will continue to require parental consent since it is required by law. As to the timeline on when students can expect to receive glasses once insurance information is provided, DMMA said it will take the “recommendation under consideration.”

Regarding the recommendation that DMMA request the insurance information as part of the initial consent form, DMMA rejected it and indicated that it will continue to solicit information “after the screening.”

In summary, SCPD was successful in having the regulations retain parental consent and as to the timeline of when the corrective lenses would be supplied, DMMA is at least considering this recommendation. Unfortunately, the definition of low income that DMMA adopted will constrict the number of students that will be eligible for school-based vision services.

SCPD is reiterating its concern regarding the negative impact to student services, which are important to their health and education. SCPD is asking

DMMA to consider other avenues to make these services available to these students if they are not going to be included.

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

cc: Mr. Stephen Groff
Laura Waterland, Esq.
Governor's Advisory Council for Exceptional Citizens
Developmental Disability Council

24reg480- DMMA Delaware healthy children program state plan 11-30-20