



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
Margaret M. O'Neill Bldg., Third Floor, Suite 1
410 Federal Street
Dover, Delaware 19901
302-739-3621

The Honorable John Carney,
Governor

John McNeal, Director
SCPD

MEMORANDUM

DATE: June 29, 2022

TO: Ms. Nicole M. Cunningham
Planning & Policy Development Unit

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

RE: 25 DE Regulations 1105 [Proposed DHSS DMMA Regulation - Medicaid for
Incarcerated Individuals (June 1, 2022)]

The State Council for Persons with Disabilities (SCPD) has reviewed the proposed DHSS (Delaware Health and Social Services)/DMMA (Division of Medicaid and Medical Assistance) regulations regarding Medicaid for incarcerated individuals. These regulations will amend the State's Incarcerated Individuals Medicaid Program and will apply to services provided as of August 11, 2022. These regulations are based upon information supplied to the states by the Centers for Medicare and Medicaid Services (CMS) and under statutory authority of the Patient Protection and Affordable Care Act (PPACA, Public Law 111-48 as amended). The proposed regulation was published as 25 DE Reg. 1105 in the June 1, 2022, issue of the Register of Regulations. SCPD endorses the proposed regulations and has the following observations.

Under the current regulations, an inmate in a public institution is not eligible for Medicaid. 16 DE Admin. Code (Department of Health and Social Services, Division of Social Services, Delaware Social Services Manual) 14120. The proposed regulations retain the definition of inmate and public institution. However, they would allow inmates of a public institution to enroll in Medicaid but would not provide coverage while the individual is incarcerated unless the inmate is an inpatient at a medical facility for more than twenty-four (24) hours.

The changes which these regulations would make to the Medicaid program for an inmate in a public institution were mandated by the CMS. Practically, permitting Medicaid enrollment while the individual is incarcerated which would take effect after he or she is released, would remove one barrier an inmate would face when released and enable the person to obtain health services more easily.

The SCPD Council strongly supports these regulations as they promote health and well-being and support a successful transition to post-incarceration life.

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

cc: The Honorable Molly Magarik, Secretary, DHSS
Director Stephen Groff, DMMA
Ms. Laura Waterland, Esq., DLP
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council

25 DE. Reg. 1105 DMMA Medicaid for Incarcerated Individuals 06-21-22