



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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The Honorable John Carney
Governor

John McNeal
SCPD Director

MEMORANDUM

DATE: November 23, 2022

TO: Melissa Dohring, DHSS-DMMA
Planning and Policy Unit

FROM: Benjamin Shrader – Chairperson 
State Council for Persons with Disabilities

RE: Proposed DMMA Regulation [Reasonable Income Compatibility
Threshold, 26 Delaware Reg. of Regulations 374 (November 1, 2022)]

The State Council for Persons with Disabilities (SCPD) has reviewed the Delaware Health and Social Services ("Department") / Division of Medicaid and Medical Assistance's (DHSS/DMMA) proposal to amend the Delaware Social Services Manual (DSSM) 14800 regarding the Reasonable Income Compatibility Threshold. The proposed regulation was published as 26 DE Reg. 374 in the November 1, 2022, Register of Regulations issue.

SCPD has the following observations:

- The Affordable Care Act required states to compare electronic sources for income information during application and recertification processes. The idea was to reduce documentation requirements that might lead to eligible people not getting services because of difficulties obtaining that documentation.
- State agencies have the latitude to set standards for reasonable match of data to what the applicant has attested to. If both the attestation and the data source are at

or below the eligibility threshold, the Medicaid agency finds the individual eligible. In these situations, the difference between the attestation and data source does not affect eligibility, because the individual would be eligible using either the electronic data or the attestation.

- DMMA is proposing to increase the variance standard from 10% to 25%. This will decrease the need for manual intervention, decrease the risk for inappropriate terminations, and allow staff the ability to focus on the large caseload of renewals that are unable to be passively renewed.

The State Council for Persons with Disabilities (SCPD) endorses this regulation as it will assist individuals in recertification and also ease the administrative burden on DMMA as it processes all of the recertifications that must take place when the PHE “unwinds.”

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

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

26 reg 374 DMMA Reasonable Income 11-23-22