



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: May 29, 2024

TO: Delaware Department of Health and Social Services/Division of Social Services
Office of the Secretary/Attn: Regulation Review

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

RE: DHSS/Division of Social Services Regulation Regarding Continuous Eligibility and
Removal of Premiums for Children's Health Insurance Program, 27 DE Register of
Regulations 843 (May 1, 2024)

The State Council for Persons with Disabilities (SCPD) has reviewed the DHSS/DSS proposed regulation regarding Continuous Eligibility and Removal of Premiums for Children's Health Insurance Program (CHIP) and have the following comments:

DHSS/DMMA proposes to amend regulations and the State Medicaid Plan regarding Delaware's CHIP program continuous eligibility and premiums. These changes were triggered by the Consolidated Appropriations Act (CAA) of 2023, which required states to provide 12-months continuous eligibility to children under the age of 19 in Medicaid and Children's Healthy Insurance Program (CHIP), regardless of nonpayment of premiums. Delaware is revising CHIP provisions to ensure compliance with the CAA.

The SCPD supports the removal of premiums for children enrolled in CHIP as this will promote family financial stability.

As an aside, we note that in subsection 18800.1 there appears to be a missing comma that makes the exceptions to continuous eligibility unclear as it changes the interpretation of exception #4. Without the comma exception 4 reads: "[t]he agency determines that eligibility was erroneously granted at the most recent determination, or renewal of eligibility because of agency error or fraud, abuse, or perjury attributed to the child or the child's representative" (proposed DSSM § 18800.1). This indicates that termination may occur when 1) eligibility was erroneously granted; or 2) renewal was

because of agency error, fraud, abuse or perjury. A change is required here (the insertion of a comma following “eligibility”: “(4) The agency determines that eligibility was erroneously granted at the most recent determination, or renewal of eligibility, because of agency error or fraud, abuse, or perjury attributed to the child or the child's representative”).

The SCPD thanks you for considering our comments. Please contact SCPD if you have any questions or comments regarding our observations.

cc: Marissa Band, Esq., DLP
Governor’s Advisory Council for Exceptional Citizens