



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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MEMORANDUM

DATE: April 25, 2011

TO: Ms. Sharon L. Summers, DMMA
Planning & Policy Development Unit

FROM: Daniese McMullin-Powell, Chairperson
State Council for Persons with Disabilities

RE: 14 DE Reg. 998 [DMMA Proposed Medicaid & DHCP Alien Eligibility
Regulation]

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Health and Social Services/Division of Medicaid and Medical Assistance's (DMMAs) proposal to amend its Medicaid program eligibility regulation published as 14 DE Reg. 998 in the April 1, 2011 issue of the Register of Regulations. SCPD has the following observations.

As background, the Division notes that Delaware has historically provided State funding to provide Medicaid coverage to some non-citizens. However, given competing priorities, the Delaware Health Fund Advisory Committee (HFAC) did not approve continued State funding in its FY 12 recommendations. The funding is also omitted from the Governor's proposed FY 12 budget.

Given the projected lack of State funding for coverage of non-citizens, the Division is modifying its regulations to limit Medicaid services eligibility of qualifying legally residing noncitizens to "emergency services and labor and delivery only". The Division is also adopting a minor amendment to its Delaware Healthy Children Program regulation. The DHCP regulation already excluded coverage of noncitizens.

There are obvious "pros and cons" to the initiative. On the one hand, it will eliminate access to a broad range of medical services, including prenatal care, to noncitizens. On the other hand, Delaware faces a budget deficit which is prompting consideration of curtailment of a number of safety-net programs, including General Assistance. Given SCPDs strong interest in ensuring access to health care, Council recommends that the Division conduct a careful fiscal analysis regarding the impact of the proposed regulation and consider whether prenatal care could be

offered as a State-funded benefit.

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

cc: Ms. Rosanne Mahaney
Mr. Brian Hartman, Esq.
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council

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