



STATE OF DELAWARE  
STATE COUNCIL FOR PERSONS WITH DISABILITIES  
MARGARET M. O'NEILL BUILDING  
410 FEDERAL STREET, SUITE 1  
DOVER, DE 19901

VOICE: (302) 739-3620  
TTY/TDD: (302) 739-3699  
FAX: (302) 739-6704

**MEMORANDUM**

DATE: August 23, 2012

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

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

RE: 16 DE Reg. 173 [DMMA Proposed Emergency Assistance Services 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 (DMMA's) proposal to amend its emergency assistance regulations. The proposed regulation was published as 16 DE Reg. 173 in the August 1, 2012 issue of the Register of Regulations. SCPD has the following observations.

First, in §6002, Par. 1.B, definition of "financial eligibility", the inclusion of "or" in Par. 2 and "and" in Par. 3 is confusing. There are items in a series (Pars. 1-4) and it's unclear if DMMA intends the references to be disjunctive or conjunctive. Perhaps Pars. 2 and 3 could be combined into a single subsection.

Second, in the example involving A1 in §6003, Par. 3, first sentence, substitute "her" for "its" for consistency with other references to A1.

Third, in the same example, fourth sentence, substitute "A1" for "they" since the regulation would otherwise have plural pronouns (they) with a singular antecedent (A1).

Fourth, in §6005, Par. 1.A, it would be preferable to also authorize a home repair to provide "accessibility". For example, an individual may suffer an injury requiring use of a temporary ramp for access to a dwelling unit. See also 4603A(a)(1) [contemplating minor modifications of dwellings for accessibility] and attached description of DSAAPD program covering home modifications and assistive devices. DSAAPD funds are limited and are often exhausted before the end of the fiscal year.

Fifth, there are many instances in which punctuation has been omitted. See, e.g., §6005, Par. 1.B.1.ii; §6005, Par. 1 I; and §6006. DMMA may wish to review these sections and insert appropriate punctuation.

Sixth, in §6005, Par. 1.E, the criteria for “medical needs” could be expanded. For example, the enabling statute [Title 31 Del.C. §5002(6)] is relatively broad in scope. Moreover, query why prevention of short-term hospitalization or excessive pain or diversion from a nursing facility should not be qualifying justification for emergency medical services? Consider the following substitute:

A medical need is present if that need could result in serious impairment of health, prolonged hospitalization, institutionalization, excessive pain, or death.

Seventh, §6005, Par. 1.H. categorically limits clothing funds to loss from theft or fire. This would literally exclude eligibility if loss were based on contamination (e.g. bedbugs; lice; skunk), flood, or other casualty. For example, mice will eat holes in clothes. Consider the following substitute:

Assistance in clothing is authorized only if the need results from casualty (e.g. fire; theft) or irremediable contamination.

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

16reg173 dmma-services 8-23-12

Your Search...



Phone Numbers Mobile Help Size Print Email

Delaware Health and Social Services » Division of Services for Aging and Adults with Physical Disabilities

**HOME**

**SERVICES**

- Assistance for Caregivers
- Home and Community-Based Services
- Information and Supports
- Residential Care
- Rights and Protections

**INFORMATION**

**Home Modification**

<b>Program/Service description</b>	The Home Modification Program pays for modifications (or changes) to be made to the home of a person with a physical disability. The changes are made to allow a person to move around more freely in the home. An example of a home modification is the installation of a wheelchair ramp. Modifications are made to permanent residences only. Also, funds are used only when no other funding source is available or when there is not enough money from another source to pay for the needed modifications.
<b>Public funding source(s)*</b>	State funds
<b>Who is eligible</b>	Delaware residents 18 years of age or older who have a permanent or long-term physical disability. There is a \$15,000 lifetime cap.
<b>Where it is available</b>	Statewide
<b>Who to contact for information or enrollment</b>	Contact the <u>Division of Services for Aging and Adults with Physical Disabilities</u> by phone or e-mail.
<b>Related internet links</b>	<ul style="list-style-type: none"> <li>• <u>Homemods.org: University of Southern California Andrus Gerontology Center, National Resource Center on Supportive Housing and Home Modification - Fall Prevention Center of Excellence</u></li> </ul>

\*Public funding means that the program is paid for, in part or in whole, by the government. Some publicly-funded programs have eligibility requirements and provide services at low cost or no cost to people who qualify. Most of these programs and services though, are also available to people who are able to pay privately (with their own money). For more information, please see the Sources of Funding section of this web site.

Last Updated: Friday July 27 2012

Your Search...



Phone Numbers

Mobile

Help

Size

Print

Email

Delaware Health and Social Services » Division of Services for Aging and Adults with Physical Disabilities

**HOME**

**SERVICES**

- Assistance for Caregivers
- Home and Community-Based Services
- Information and Supports
- Residential Care
- Rights and Protections

**INFORMATION**

**Assistive Devices**

<b>Program/Service description</b>	Assistive devices are pieces of equipment that allow people with disabilities to function more independently. They can be simple or complex. Some examples of assistive devices include kitchen utensils with large grips, seats for the shower or bath, wheelchairs, and specialized computers. The Division of Services for Aging and Adults with Physical Disabilities has funds available for persons with disabilities to buy or rent new or used assistive devices. A few restrictions: an assistive device must directly promote independent action or communication; also, money is provided only when no other funds are available to cover the cost of the device.
<b>Public funding source(s)*</b>	State funds
<b>Who is eligible</b>	Adults with disabilities with an assessed need. There is a per purchase cap of \$10,000 and a lifetime cap of \$25,000.
<b>Where it is available</b>	Statewide
<b>Who to contact for information or enrollment</b>	Contact the <a href="#">Division of Services for Aging and Adults with Physical Disabilities</a> by phone or e-mail.
<b>Related internet links</b>	<ul style="list-style-type: none"> <li>• ABLEDATA (<a href="http://www.abledata.com/">http://www.abledata.com/</a>)</li> <li>• Delaware Assistive Technology Initiative (<a href="http://www.asel.udel.edu/dati/">http://www.asel.udel.edu/dati/</a>)</li> </ul>

\*Public funding means that the program is paid for, in part or in whole, by the government. Some publicly-funded programs have eligibility requirements and provide services at low cost or no cost to people who qualify. Most of these programs and services though, are also available to people who are able to pay privately (with their own money). For more information, please see the [Sources of Funding](#) section of this web site.

Last Updated: Friday May 28 2010

[site map](#) | [about this site](#) | [contact us](#) | [translate](#) | [delaware.gov](#)