



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 30, 2017

TO: Ms. Nicole Cunningham, DMMA
Planning & Policy Development Unit

FROM: Ms. Jamie Wolfe, Chairperson
State Council for Persons with Disabilities

RE: 21 DE Reg. 392 [DMMA Proposed Medicaid Excluded Income Regulation (11/1/17)]

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Health and Social Services/Division of Medicaid and Medical Assistance (DMMA) proposal to adopt a discrete amendment to the Delaware Social Services Manual (DSSM). The proposed regulation was published as 21 DE Reg. 392 in the November 1, 2017 issue of the Register of Regulations.

As background, the Affordable Care Act (ACA) defines countable income for certain Medicaid populations based on "modified adjusted gross income (MAGI). At 393. In September, 2016 CMS issued guidance as a supplement to a 2013 training manual providing recommended language "that can be used to make the income counting rules more clear for eligibility workers". *Id.* Consistent with the guidance, DMMA is now revising a single regulation to list types of excluded income from the MAGI calculation. At 394. The regulation appears to be relatively straightforward and includes SSI, child support, Worker's Compensation, and TANF in the list of excluded income. There is no State fiscal impact as a result of adoption of the regulation. *Id.*

The SCPD endorses the proposed regulation.

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

cc: Mr. Steve Groff, DMMA
Mr. Brian Hartman, Esq.
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council
21reg392 dmma medicaid excluded income 11-27-17