

August 29, 2012

Sharon L. Summers
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RE: DMMA Proposed Emergency Assistance Regulation [16 DE Reg. 173 (August 1, 2012)]

Dear Ms. Summers:

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed the Division of Medicaid & Medical Assistance (DMMA) proposal to amend its emergency assistance standards. The rationale for the changes is rewording, reformatting for clarity, and other non-substantive bases. At 173. Emergency assistance is statutorily authorized by Title 31 Del.C. §§501 and 521. The GACEC would like to share 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 is 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 the description of the Division of Services to Aging and Adults with Physical Disabilities (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. I.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, Council queries 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 in advance for your time and consideration of our observations. Please feel free to contact me or Wendy Strauss should you have questions or concerns.

Sincerely,

Terri A. Hancharick
Chairperson

TAH:kpc