

February 27, 2013

Sharon L. Summers  
Division of Medicaid and Medical Assistance  
1901 North DuPont Highway  
P. O. Box 906  
New Castle, DE 19720-0906

**RE: DMMA Proposed Long Term Care (LTC) Medicaid Resource Regulation [16 DE Reg. 825 (February 1, 2013)]**

Dear Ms. Summers:

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed the Division of Medicaid and Medical Assistance proposal to amend its LTC Medicaid resource regulations.

As background, DMMA notes that federal legislation enacted in 2010 created a twelve month "disregard" for federal income tax refunds received between December 31, 2009 and December 31, 2012. That "disregard" has expired and the Division is now adding the following conforming sentence: "Any retained portion of a tax refund and/or advance payment that was received on or after January 1, 2013 will be a countable resource the month following receipt." At 826.

Council would like to affirm that we did not identify any technical problems with the regulation.

Thank you for your time and consideration of our observations. Please feel free to contact me or Wendy Strauss should you have any questions.

Sincerely,

Terri A. Hancharick  
Chairperson

TAH:kpc