

June 26, 2014

Sharon L. Summers
Division of Social Services
1901 North DuPont Highway
P. O. Box 906
New Castle, DE 19720-0906

RE: DSS/DMMA Proposed Case Processing Procedures Regulation [17 DE Reg. 1138 (June 1, 2014)]

Dear Ms. Summers:

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed the Division of Social Services (DSS) proposal to address inconsistencies in the regulations covering timeframes for processing initial Medicaid applications. The following information pointing out the inconsistency was sent to the Delaware Medicaid Director by Brian Hartman of the Disabilities Law Program on January 29, 2014:

Section 14100.5.1 was amended in November, 2013. It provides "90 day" and "45 day" time periods for processing Medicaid applications. However, Section 2000 also covers applications for "medical assistance" and Section 2000.5 establishes a "30 day" time frame for processing the application. These sections are ostensibly inconsistent.

The Director responded that the reference in §2000 is incorrect and would be removed to clarify that §2000.5 is inapplicable to Medicaid. The proposed regulation implements the correction; however, there are still areas in the regulation that could be improved. For example, the 2000 series still contains references to Medical Assistance (e.g. §§2002.1.1 and 2012) and there is no exclusion in §2000.5 for Medical Assistance cases. Therefore, ambiguity is still present. Council suggests DHSS consider the following:

1) Amend the new reference in §2000 as follows: "Policies specific to Medical Assistance applications and processing time lines are found in DSSM policy section 14100."

2) Amend the title to §2000.5 as follows: "Non-Medical Assistance Filing Dates and Processing Standards". This approach is consistent with other headings which are more program-specific. See, e.g. §§2002, 2007, and 2008.

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

Sincerely,

Terri A. Hancharick

TAH:kpc