

June 27, 2016

Kimberly Xavier  
Planning, Policy & Quality Unit  
Division of Medicaid & Medical Assistance  
1901 N. DuPont Hwy.  
P.O. Box 906  
New Castle, DE 19720-0906

**RE: DHSS/DMMA Proposed LTC Facilities – Eligibility Determinations and Post-Eligibility Treatment; Undue Hardship Provision Regulation [19 DE Reg. 1059 (June 1, 2016)]**

Dear Ms. Xavier:

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed the Delaware Health and Social Services (DHSS)/Division of Medicaid and Medical Assistance (DMMA) proposal to amend the Delaware Social Services Manual (DSSM) by modifying provisions regarding long-term care eligibility, specifically, to modify language regarding undue hardship provisions in order to align with current federal regulations and DMMA policy. Council **endorses** the proposed amendment.

This amendment to the DSSM regulation eliminates a very archaic provision that only allows a hardship exception to the transfer of asset and trust provisions for Medicaid long term care eligibility if there is no state facility that could take the applicant. (DSSM 20340.11 and 20400.12.1). The proposed amendment eliminates this requirement, making it consistent with existing federal regulation, current DMMA practice and Olmstead principles.

Thank you for your consideration of our observations. Please contact me or Wendy Strauss at the GACEC office if you have questions.

Sincerely,

Robert D. Overmiller  
Chairperson

RDO:kpc