

May 24, 2018

Nicole M. Cunningham
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 Long Term Care Medicaid Application Methods Regulation [21 DE Reg. 860 (May 1, 2018)]

Dear Ms. Cunningham:

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed the Delaware Health and Social Services (DHSS)/Division of Medicaid and Medicare Assistance (DMMA) proposal to add additional application methods to the Medicaid application process. Council **endorses** the proposed amendment and would like to add two recommendations.

As background, current policy and practice requires a face to face interview when an individual applies for Long Term Care Medicaid. Current practice also requires the application process to be completed by the applicant, their family member or their legal representative. The proposed policy change removes this restriction and allows the applicant the choice of who can apply for Long Term Care Medicaid on their behalf and removes the face-to-face interview requirement. The proposed application process leaves the choice of the type of application method to the individual applying e.g. electronic, face-to-face interview, mail, fax, telephone. This will bring Section 20103 of the Del. Admin. Code into compliance with the Affordable Care Act. These changes will make it easier for individuals to apply and merits the endorsement of the Council.

The proposed rule allows "someone acting responsibly" to apply for long term care Medicaid on behalf of an applicant who is either a minor or incapacitated. This term is not defined in the Delaware regulations although it appears in other places in the federal regulations. Council would recommend that this term be defined to exclude individuals or entities who may have a conflict of interest or at least require that any entity or individual acting as "someone acting responsibly" has an obligation to act in the best interest of the applicant. Council would also

suggest adding the full CFR citation for the definition of household.

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

Sincerely,

Terri A. Hancharick
Vice Chairperson

TAH:kpc