



Governor's Advisory Council for Exceptional Citizens (GACEC) 516 West Loockerman St., Dover, DE 19904  
302-739-4553 (voice) 302-739-6126 (fax) <http://www.gacec.delaware.gov>

May 28, 2024

Planning and Policy Unit  
Division of Medicaid and Medical Assistance  
1901 North DuPont Highway/P O Box 906  
New Castle, DE 19720-0906

**RE: 27 DE Reg. 843 DHSS/DMMA Continuous Eligibility and Removal of Premiums for Children's Health Insurance Program (CHIP) Regulations (May 1, 2024)**

To Whom It May Concern:

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed the Delaware Health and Social Services/Division of Medicaid and Medical Assistance (DHSS/DMMA) proposal to amend regulations and the State Medicaid Plan regarding Delaware's CHIP program continuous eligibility and premiums. These changes were triggered by the Consolidated Appropriations Act (CAA) of 2023, which required states to provide 12-months continuous eligibility to children under the age of 19 in Medicaid and Children's Health Insurance Program (CHIP), regardless of nonpayment of premiums. Delaware is revising CHIP provisions to ensure compliance with the CAA and remove premiums for children enrolled in CHIP. Council **supports** the proposed amendment, as it will promote family financial stability.

Council would like to share one observation and request. Council asks that DMMA insert a comma following "eligibility" in exception 4 to continuous eligibility in subsection 18800.1 so that it reads as follows: "(4) The agency determines that eligibility was erroneously granted at the most recent determination, or renewal of eligibility, because of agency error or fraud, abuse, or perjury attributed to the child or the child's representative."

Without the comma, exception 4 reads: "[t]he agency determines that eligibility was erroneously granted at the most recent determination, or renewal of eligibility because of agency error or fraud, abuse, or perjury attributed to the child or the child's representative" (proposed DSSM § 18800.1).

The amendments DMMA is proposing will bring the manual into compliance with federal regulations and are a definite benefit to the citizens of Delaware.

Thank you for your time and consideration of our support and recommendations. Please feel free to contact Pam Weir or me should you have any questions on our comments.

Sincerely,

*Ann C Fisher*

Ann C. Fisher  
Chairperson

ACF: kpc