



Governor's Advisory Council for Exceptional Citizens (GACEC) 516 West Loockerman St., Dover, DE 19904
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October 29, 2025

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

**RE: 29 DE Reg. 267 DHSS/DMMA Proposed Delaware Healthy Children Program
Amendment Regulations (October 1, 2025)**

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 the State Plan to bring it into compliance with requirements in the Federal Consolidated Appropriations Act of 2023 (CAA) in regard to the Children's Health Insurance Program (CHIP). Council **supports** the proposed changes since the amendment will bring Delaware into compliance with CAA and will promote more effective transition and medical services benefits for juveniles with disabilities. However, we would like to share one observation and request for additional review.

The proposed changes adds a new section providing rules related to continuous eligibility during incarceration of juveniles:

18800.3 Continuous Eligibility During Incarceration

-Children who are determined eligible for DHCP at initial application or renewal who later become incarcerated during a CE period must remain eligible for the duration of their CE period.

-The child's DHCP eligibility must be terminated during their CE period unless they experience another permissible exception to CE. See section 18800.1 Continuous Eligibility for Target Low-Income Children.

-Eligibility may no longer be terminated for otherwise-eligible children in DHCP at renewal if the only reason for the termination is that they are inmates of a public institution. See section 60100 Incarcerated Individuals Definitions.

The word "NOT" appears to be missing from the second bullet point as demonstrated with brackets: "*The child's DHCP eligibility must [] be terminated during their CE*

period unless they experience another permissible exception to CE. See section 18800.1 Continuous Eligibility for Target Low-Income Children.”

Council therefore recommends that DHSS insert the word “not” in the brackets in the second bullet point of 18800.3 (“The child’s DHCP eligibility must [] be terminated during their CE period unless they experience another permissible exception to CE. See section 18800.1 Continuous Eligibility for Target Low-Income Children.”).

Thank you for your time and consideration of our support and observation. We look forward to receiving information on our request for a review of the noted section. Please feel free to contact Pam Weir or me should you have any questions on our comments or requests for clarity on our request.

Sincerely,

William H. Doolittle

William H. Doolittle
Chairperson

WHD: kpc