



**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 29, 2026

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. 919 DHSS/DMMA Fair Hearing Practice and Procedures Regulations
(May 1, 2026)**

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 current Delaware regulations relating to the timeframe to request Medicaid Fair Hearings to appeal decisions about an individual's Medicaid benefits. Council **supports** the addition of the 5-day grace period as it brings Delaware into federal regulatory compliance. It also offers more flexibility for instances in which there is no postmark date. However, Council would like to share recommendations on other sections in the proposed regulations.

First, the proposed Fair Hearing rulemaking (29 Del. Reg. of Regulations 913) text of the regulation does not actually contain language adding those five days, nor does it effectively cross reference to the Medicaid regulation that provides the grace period. It is confusing to have one regulation explicitly add this grace period, but not the other, and is likely to cause mistakes. To prevent error and misinformation, Council recommends that DHSS consider revising proposed rulemaking DHSS 5000 Fair Hearing Practice and Procedures, 29 Del. Reg. of Regulations 913, with language that is consistent with the proposed Medicaid language (DHSS 14000 Medicaid General Eligibility Requirements, 29 Del. Reg. of Regulations 919) which is as follows: "If a postmarked date is not available a 5-day grace period from the date of the notice will be provided, if needed to allow for mail processing.")

Council would also suggest that the five-day grace period language be included in the notices sent to beneficiaries. Without putting that information on the form and notifying recipients of this grace period, the GACEC is concerned that this rule change will be of limited value for recipients. There may also be issues with inconsistent implementation of this change by staff.

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

Sincerely,

William H. Doolittle

William H. Doolittle
Chairperson

WHD: kpc