



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
MARGARET M. O'NEILL BUILDING
410 FEDERAL STREET, SUITE 1
DOVER, DE 19901

VOICE: (302) 739-3620
TTY/TDD: (302) 739-3699
FAX: (302) 739-6704

MEMORANDUM

DATE: September 29, 2011

TO: Ms. Sharon L. Summers, DMMA
Planning & Policy Development Unit

FROM: Daniese McMullin-Powell, Chairperson
State Council for Persons with Disabilities

RE: 15 DE Reg. 272 [DMMA Proposed Hospice Care Services for Children Under 21 Regulation]

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Health and Social Services/Division of Medicaid and Medical Assistance's (DMMA) proposal to amend its regulation regarding concurrent hospice care for children under age 21. The regulation was published as 15 DE Reg. 272 in the September 1, 2011 issue of the Register of Regulations. SCPD endorses the proposed regulation and has the following observations.

As background, there was an historical anomaly in provision of hospice care to individuals under age 21 under both the Medicaid and CHIP programs. If parents elected to obtain hospice services for a child, the child became categorically ineligible for "cure-directed" treatment. The federal Patient Protection and Affordable Health Care Act removed this "one or the other" approach so that a parent does not have to forego all curative treatment as a condition of a child receiving hospice services. DMMA is now implementing the new law through a Medicaid State Plan amendment. DMMA has also agreed to implement the new law in the CHIP program.

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our observations or position on the proposed regulation.

cc: Ms. Rosanne Mahaney
Mr. Brian Hartman, Esq.
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council

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