DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF SOCIAL SERVICES
Statutory Authority: 31 Delaware Code, Section 512 (31 Del.C. Ch.5, §512)

PROPOSED

PUBLIC NOTICE

DSSM 20300.2 and 20360, Long Term Care Eligibility Process

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of Title 31 of the **Delaware Code**, Chapter 5, Section 512, Delaware Health and Social Services (DHSS) / Division of Social Services is proposing to amend the Division of Social Services Manual (DSSM) regarding the Long Term Care Program. The proposal gives direction on counting annuities and their streams of income for the eligibility process; to clarify that the list of non-liquid resources is not all inclusive; and, to correct an inconsistency in language.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs or other written materials concerning the proposed new regulations must submit same to Sharon L. Summers, Policy and Program Development Unit, Division of Social Services, P.O. Box 906, New Castle, Delaware 19720-0906 by January 31, 2005.

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments and written materials filed by other interested persons.

Summary Of The Proposed Changes

1. To DSSM 20300.2 Non-Liquid Resources:
    - Add the word “annuity” to the list of non-liquid resources; and,
    - Add the words ‘including but not limited to”.

2. To DSSM 20360 Conditional Medicaid Coverage While Disposing of Resources:
    Delete the word “securities” from DSSM 20360. there exists an inconsistency in DSSM 20360 which lists “securities” as a non-liquid resource while DSSM 20300.0 lists “stocks” as a liquid resource.

DSS PROPOSED REGULATION #04-27
REVISIONS:

20300.2 Non-Liquid Resources

Assets that require more than 20 working days to convert to cash <u>are considered non-liquid</u>.

The following types of resources are non-liquid~~:~~<u>, including but not limited to: annuities and their streams of income,</u> household goods and personal effects, automobiles, trucks, tractors, and other vehicles, machinery and livestock, buildings and land, non-cash business property.

(Break in Continuity of Sections)

20360 Conditional Medicaid Coverage While Disposing of Resources

Effective September 1, 1987 "conditional" Medicaid coverage for nursing home care can be approved for applicants who need Medicaid services while they are disposing of non-liquid resources, e.g., property~~, securities, etc~~. There are strict limits on the amount of time allowed for sale of resources and the applicant must sign a statement agreeing to the conditions before an application can be approved. Under conditional eligibility, excess resources are treated as a "conditional exclusion" and are not counted during the conditional benefit period.

However, there is no "conditional exclusion" for spousal impoverishment cases. These resources count because they meet the spousal definition of countable resources. They should be counted in the spousal resource calculation.

8 DE Reg. 980 (01/01/05)