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State Name: Delaware

State Plan Amendment (SPA) #09-005

This file contains the following documents in the order listed:

- 1) Approval Letter
- 2) CMS-179
- 3) Approved SPA Pages

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
150 S. Independence Mall West
Suite 216, The Public Ledger Building
Philadelphia, Pennsylvania 19106-3499



Region III/Division of Medicaid and Children's Health Operations

JAN 26 2010

Rosanne Mahaney, Acting Director
Division of Medicaid & Medical Assistance
Delaware Health and Social Services
1901 N. DuPont Highway
New Castle, Delaware 19720-0906

Dear Ms. Mahaney:

We have reviewed State Plan Amendment (SPA) 09-005, which allows disabled working individuals to buy into the Medicaid program. This SPA, as modified by your email note dated January 6, 2010, is acceptable. Therefore, we are approving SPA 09-005 with an effective date of October 1, 2009. Enclosed are the approved SPA pages and signed CMS-179 form.

If you have further questions about this SPA, please contact Jake Hubik at 215-861-4181.

Sincerely,

A black rectangular redaction box covering the signature of Ted Gagnier.

Ted Gagnier
Associate Regional Administrator

Enclosures

**TRANSMITTAL AND NOTICE OF APPROVAL OF
STATE PLAN MATERIAL**

1. TRANSMITTAL NUMBER:
SPA #09-005

2. STATE
Delaware

FOR: HEALTH CARE FINANCING ADMINISTRATION

3. PROGRAM IDENTIFICATION: TITLE XIX OF THE
SOCIAL SECURITY ACT (MEDICAID)

TO: REGIONAL ADMINISTRATOR
HEALTH CARE FINANCING ADMINISTRATION
DEPARTMENT OF HEALTH AND HUMAN SERVICES

4. PROPOSED EFFECTIVE DATE
October 1, 2009

5. TYPE OF PLAN MATERIAL (*Check One*):

NEW STATE PLAN AMENDMENT TO BE CONSIDERED AS NEW PLAN AMENDMENT

COMPLETE BLOCKS 6 THRU 10 IF THIS IS AN AMENDMENT (*Separate Transmittal for each amendment*)

6. FEDERAL STATUTE/REGULATION CITATION:
1902(a)(10)(A)(ii)(XV) of the Social Security Act; 1916(g) of the
Social Security Act

7. FEDERAL BUDGET IMPACT:
FY 2010: \$700,000 FY 2011: \$900,000

8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT:

Attachment 2.2-A, Page 23d (NEW)
Attachment 2.6-A, Pages 12c through 12o (NEW)
Supplement 8a to Attachment 2.6-A, Page 1

9. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION
OR ATTACHMENT (*If Applicable*):

Supplement 8a to Attachment 2.6-A, Page 1

10. SUBJECT OF AMENDMENT: Implementation: Delaware's Medicaid State Buy-In Program: *Medicaid for Workers with Disabilities*

11. GOVERNOR'S REVIEW (*Check One*):

- GOVERNOR'S OFFICE REPORTED NO COMMENT
 COMMENTS OF GOVERNOR'S OFFICE ENCLOSED
 NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL

OTHER, AS SPECIFIED:
Governor's comments under separate
correspondence

12. SIGNATURE OF STATE AGENCY OFFICIAL:
//Rosanne Mahaney - signature//

13. TYPED NAME:
Rosanne Mahaney, Acting Director, Division of Medicaid and
Medical Assistance

14. TITLE: Designee Rita M. Landgraf, Secretary, Delaware
Health and Social Services

15. DATE SUBMITTED:
November 9, 2009

16. RETURN TO:

Rosanne Mahaney
Acting Director, Division of Medicaid and Medical Assistance
P.O. Box 906
New Castle, Delaware 19720-0906

FOR REGIONAL OFFICE USE ONLY

17. DATE RECEIVED:
11/9/09

18. DATE APPROVED: JAN 26 2010

PLAN APPROVED - ONE COPY ATTACHED

19. EFFECTIVE DATE OF APPROVED MATERIAL:
10/1/09

20. SIGNATURE OF REGIONAL OFFICIAL:

21. TYPED NAME:

22. TITLE:
Associate Regional Administrator

23. REMARKS:

NEW STATE PLAN PAGE

Revision:

ATTACHMENT 2.2-A
PAGE 23d
OMB NO.:

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Citation	Groups Covered
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B. Optional Groups Other Than the Medically Needy
(Continued)

1902(a)(10)(A) (ii)(XIII) of the Act	[]	23. BBA Work Incentives Eligibility Group Individuals with a disability whose net family income is below 250 percent of the Federal poverty level for a family of the size involved and who, except for earned income, meet all criteria for receiving benefits under the SSI program. See page 12c of Attachment 2.6-A.
1902(a)(10)(A) (ii)(XV) of the Act	[X]	24. TWWIIA Basic Coverage Group - Individuals with a disability at least 16 but less than 65 years of age whose income and resources do not exceed a standard established by the State. See page 12d of Attachment 2.6-A.
1902(a)(10)(A) (ii)(XVI) of the Act	[]	25. TWWIIA Medical Improvement Group Employed individuals at least 16 but less than 65 years of age with a medically improved disability whose income and resources do not exceed a standard established by the State. See page 12h of Attachment 2.6-A.

NOTE: If the State elects to cover this group, it MUST also cover the Basic Coverage Group described in no. 24 above.

TN No. SPA #09-005
Supersedes
TN No. N/A

Approval Date **JAN 26 2010**
Effective Date October 1, 2009

NEW STATE PLAN PAGES

Revision:

ATTACHMENT 2.6-A

Page 12c

OMB No.:

State/Territory:

Citation	Condition or Requirement
1902(a)(10)(A) (ii)(XIII) of the Act	(i) <u>Working Individuals with Disabilities - BBA</u> In determining countable income and resources for working individuals with disabilities under the BBA, the following methodologies are applied: — The methodologies of the SSI program. — The agency uses methodologies for treatment of income and resources more restrictive than the SSI program. These more restrictive methodologies are described in Supplement 4 (income) and/or Supplement 5 (resources) to Attachment 2.6-A. — The agency uses more liberal income and/or resource methodologies than the SSI program. More liberal methodologies are described in Supplement 8a to Attachment 2.6-A. More liberal resource methodologies are described in Supplement 8b to Attachment 2.6-A.

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Supersedes
TN No. N/A

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ATTACHMENT 2.6-A
Page 12d
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State/Territory:

Citation	Condition or Requirement
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1902(a)(10)(A)
(ii)(XV) of the Act

(ii) Working Individuals with Disabilities - Basic Coverage Group - TWWIIA

In determining financial eligibility for working individuals with disabilities under this provision, the following standards and methodologies are applied:

The agency does not apply any income or resource standard.

NOTE: If the above option is chosen, no further eligibility-related options should be elected.

The agency applies the following income and/or resource standard(s):

1. **Income Standard:** 275% of the federal poverty level (FPL).
2. **Resource Standard:** No resource or other asset eligibility criteria for Basic Coverage Group – TWWIIA.

<p>TN No. <u>SPA #09-005</u> Supersedes TN No. <u>N/A</u></p>	<p>Approval Date <u>JAN 7, 2010</u> Effective Date <u>October 1, 2009</u></p>
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ATTACHMENT 2.6-A
Page 12e
OMB No.:

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Citation	Condition or Requirement
1902(a)(10)(A) (ii)(XV) of the Act (cont.)	<p data-bbox="690 493 950 525"><u>Income Methodologies</u></p> <p data-bbox="690 556 1351 640">In determining whether an individual meets the income standard described above, the agency uses the following methodologies.</p> <ul style="list-style-type: none"><li data-bbox="690 672 1351 703">___ The income methodologies of the SSI program.<li data-bbox="690 766 1351 913">___ The agency uses methodologies for treatment of income that are more restrictive than the SSI program. These more restrictive methodologies are described in Supplement 4 to Attachment 2.6-A.<li data-bbox="690 955 1351 1077"><input checked="" type="checkbox"/> The agency uses more liberal income methodologies than the SSI program. More liberal income methodologies are described in Supplement 8a to Attachment 2.6-A.

TN No. SPA #09-005
Supersedes
TN No. N/A

Approval Date JAN 26 2010
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State/Territory:

Citation	Condition or Requirement
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1902(a)(10)(A)
(ii)(XV) of the Act (cont.)

Resource Methodologies

In determining whether the individual meets the resource standard described above, the agency uses the following methodologies.

Unless one of the following items is checked the agency, under the authority of section 1902(r)(2) of the Act, disregards all funds held in retirement funds and accounts, including private retirement accounts such as IRAs and other individual accounts, and employer-sponsored retirement plans such as 401(k) plans, Keogh plans, and employer pension plans. Any disregard involving retirement accounts is separately described in Supplement 8b to Attachment 2.6-A.

___ The agency disregards funds held in employer-sponsored retirement plans, but not private retirement plans.

___ The agency disregards funds in retirement accounts in a manner other than those described above. The agency's disregards are specified in Supplement 8b to Attachment 2.6-A.

There will be no resource or other asset eligibility criteria for the Basic Coverage Group – TWWIA.

TN No. SPA #09-005
Supersedes
TN No. N/A

Approval Date **JAN 26 2010**
Effective Date October 1, 2009

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Citation	Condition or Requirement
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1902(a)(10)(A)
(ii)(XV) of the Act (cont.)

- The agency does not disregard funds in retirement accounts.
- The agency uses resource methodologies in addition to any indicated above that are more liberal than those used by the SSI program. More liberal resource methodologies are described in Supplement 8b to Attachment 2.6-A.
- The agency uses the resource methodologies of the SSI program.
- The agency uses methodologies for treatment of resources that are more restrictive than the SSI program. These more restrictive methodologies are described in Supplement 5 to Attachment 2.6-A.

There will be no resource or other asset eligibility criteria for the Basic Coverage Group – TWWIIA.

TN No. SPA #09-005
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TN No. N/A

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Citation	Condition or Requirement
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1902(a)(10)(A)
(ii)(XVI) of the Act

(iii) Working Individuals with Disabilities
Employed Medically Improved Individuals -TWWIIA

In determining financial eligibility for employed medically improved individuals under this provision, the following standards and methodologies are applied:

_____ The agency does not apply any income or resource standard.

NOTE: If the above option is chosen, no further eligibility-related options should be elected.

_____ The agency applies the following income and/or resource standard(s):

_____ % FPL – Income Standard

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TN No. N/A

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Citation	Condition or Requirement
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1902(a)(10)(A)
(ii)(XVI) of the Act (cont.)

Income Methodologies

In determining whether an individual meets the income standard described above, the agency uses the following methodologies.

- _____ The income methodologies of the SSI program.
- _____ The agency uses methodologies for treatment of income that are more restrictive than the SSI program. These more restrictive methodologies are described in Supplement 4 to Attachment 2.6-A.
- _____ The agency uses more liberal income methodologies than the SSI program. More liberal methodologies are described in Supplement 8a to Attachment 2.6-A.

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TN No. N/A

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Citation	Condition or Requirement
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1902(a)(10)(A)
(ii)(XVI) of the Act (cont.)

Resource Methodologies

In determining whether the individual meets the resource standard described above, the agency uses the following methodologies.

Unless one of the following items is checked the agency, under the authority of section 1902(r)(2) of the Act, disregards all funds held in retirement funds and accounts, including private retirement accounts such as IRAs and other individual accounts, and employer-sponsored retirement plans such as 401(k) plans, Keogh plans, and employer pension plans. Any disregard involving retirement accounts is separately described in Supplement 8b to Attachment 2.6-A.

_____ The agency disregards funds held in employer-sponsored retirement plans, but not private retirement plans.

_____ The agency disregards funds in retirement accounts in a manner other than those listed above. The agency's disregards are specified in Supplement 8b to Attachment 2.6-A.

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State/Territory:

Citation	Condition or Requirement
1902(a)(10)(A)(ii)(XVI) of the Act (cont.)	<ul style="list-style-type: none"><li data-bbox="670 441 1344 514">_____ The agency does not disregard funds in (ii)(XVI) retirement accounts.<li data-bbox="670 535 1344 724">_____ The agency uses resource methodologies in addition to any indicated above that are more liberal than those used by the SSI program. More liberal resource methodologies are described in Supplement 8b to Attachment 2.6-A.<li data-bbox="670 745 1344 819">_____ The agency uses the resource methodologies of the SSI program.<li data-bbox="670 840 1344 1033">_____ The agency uses methodologies for treatment of resources that are more restrictive than the SSI program. These more restrictive methodologies are described in Supplement 5 to Attachment 2.6-A.

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1902(a)(10)(A)
(ii)(XVI) and 1905(v)(2)
of the Act

Definition of Employed - Employed Medically
Improved Individuals - TWWIIA

- _____ The agency uses the statutory definition of "employed", i.e., earning at least the minimum wage, and working at least 40 hours per month.
- _____ The agency uses an alternative definition of "employed" that provides for substantial and reasonable threshold criteria for hours of work, wages, or other measures. The agency's threshold criteria are described below:

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1902(a)(10)(A)(ii)(XIII),
(XV), (XVI), and 1916(g)
of the Act

Payment of Premiums or Other Cost Sharing Charges

For individuals eligible under the BBA eligibility group
described in No. 23 on page 23d of Attachment 2.2-A:

- The agency requires payment of premiums or other cost-sharing charges on a sliding scale based on income. The premiums or other cost-sharing charges, and how they are applied, are described below:

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Supersedes
TN No. N/A

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State/Territory:

Citation	Condition or Requirement
1902(a)(10)(A)(ii)(XIII), (XV), (XVI), and 1916(g) of the Act (cont.) ;	<p data-bbox="688 506 1360 625">For individuals eligible under the Basic Coverage Group described in No. 24 on page 23d of Attachment 2.2-A, and the Medical Improvement Group described in No. 25 on page 23d of Attachment 2.2-A:</p> <p data-bbox="688 659 1317 779">NOTE: Regardless of the option selected below, the agency MUST require that individuals whose annual adjusted gross income, as defined under IRS statute, exceeds \$75,000 pay 100 percent of premiums.</p> <p data-bbox="704 812 1360 1024"><input checked="" type="checkbox"/> The agency requires individuals to pay premiums or other cost-sharing charges on a sliding scale based on income. For individuals with net annual income below 450 percent of the Federal poverty level for a family of the size involved, the amount of premiums cannot exceed 7.5 percent of the individual's income.</p> <p data-bbox="789 1058 1317 1146">The premiums or other cost-sharing charges, and how they are applied, are described on page 12o.</p>

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Sections 1902(a)(10)(A)
(ii)(XV), (XVI), and 1916(g)
of the Act (cont.)

Premiums and Other Cost-Sharing Charges

For the Basic Coverage Group, the agency's premium or other cost-sharing charges, and how they are applied, are described below.

Individuals eligible for Medicaid under this section must pay a monthly premium subject to the following premium structure:

Cost Sharing Schedule	
Percentage of FPL	Monthly Premium Amount
100% - 125%	\$25
125% - 150%	\$35
150% - 175%	\$45
175% - 200%	\$60
200% - 225%	\$75
225% - 250%	\$90
250% - 275%	\$105

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Supersedes
TN No. N/A

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AMENDED STATE PLAN PAGE

Revision: HCFA-PM-91-4 (BPD) Supplement 8a to ATTACHMENT 2.6-A
AUGUST 1991 Page 1
OMB No.: 0938-

STATE PLAN UNDER TITLE OF THE SOCIAL SECURITY ACT

State: DELAWARE

MORE LIBERAL METHODS OF TREATING INCOME UNDER SECTION 1902 (f) (2) OF THE ACT

/ Section 1902(f) State

/ Non-Section 1902 (f) State

For children covered under Section 1902 (a) (10) (A) (I) (III) and 1905 (n) of the Social Security Act, the State of Delaware will disregard an equal amount to the difference between 100% of the AFDC payment standard for the same family size and 100% of the Federal Poverty Level for the same family size as updated annually in the Federal Register.

Interest and dividend income are excluded for QMB, SLMB, QDWI and QI-1 cases.

A standard deduction will be applied to the gross income from self employment for poverty level pregnant women, infants and children; QMB, SLMB, and QI-1 cases. The standard deduction for self employment income is considered the cost to produce income. The standard deduction for self employment is a percentage determined annually and announced each October.

When the application of the standard deduction results in a finding of ineligibility, the applicant will be given an opportunity to show that actual self employment expenses exceed the standard deduction. If the actual expenses exceed the standard deduction, they will be used to determine net income from self employment.

For the TWWIIA Basic Coverage Group, unearned income is excluded up to \$956.00 per month for the individual. There is no \$956.00 per month unearned income exclusion for a spouse who is not applying for the TWWIIA Basic Coverage Group Medicaid. This unearned income exclusion will be increased annually by the Cost of Living Adjustment (COLA) announced by the Social Security Administration (SSA) in the Federal Register.

*More liberal methods may not result in exceeding gross income limitations under Section 1903(f)

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TN No. SP - 411

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