

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF MEDICAID AND MEDICAL ASSISTANCE
Statutory Authority: 31 Delaware Code, Section 512 (31 **Del.C.** §512)
16 **DE Admin. Code** 20700

ERRATA

Daily Living Needs

*** Please Note:** The Department of Health and Social Services, Division of Medicaid and Medical Assistance, regulation, 16 **DE Admin. Code** 20720 regarding Daily Living Needs was published as proposed in the *Delaware Register of Regulations*, 26 **DE Reg.** 754 (03/01/23). A submitted amendment to 20720.1 Daily Living Needs was inadvertently not included in the *Register*.

The regulation should have read:

20000 Medicaid Long Term Care

20700 Home and Community Based Services

20720.1 Daily Living Needs

Individuals receiving Medicaid under the Division of Developmental Disabilities Services (DDDS) Lifespan Waiver who receive Residential Habilitation services are allowed a deduction equal to the current Adult Foster Care (AFC) rate. The AFC rate is based on the current SSI income level plus the Optional State Supplement amount.

Individuals receiving Medicaid under the ~~Long-Term~~ Long-Term Care Community Services (LTCCS) program and ~~are~~ residing in an Assisted Living Facility are given a deduction based on the Adult Foster Care rate less an amount payable for room and board.

Individuals receiving Medicaid under the DDDS Lifespan Waiver who do not receive a residential habilitation service and individuals receiving Medicaid under the LTCCS program (excluding those residing in an Assisted Living Facility) are allowed ~~an amount~~ a deduction equal to their total income, including income that is placed in a Miller Trust. All earned income in the form of wages shall be allowed to be protected.

The regulation is being published as final in the May 2023 *Register* and is effective as stated in this publication. See 26 **DE Reg.** 957 (05/01/23).

26 DE Reg. 907 (05/01/23) (Errata)