



STATE OF DELAWARE
DELAWARE HEALTH AND SOCIAL SERVICES
DIVISION OF MEDICAID & MEDICAL ASSISTANCE
PLANNING AND POLICY DEVELOPMENT UNIT

MEMORANDUM

REPLY TO
ATTN. OF: Administrative Notice DMMA-5-2011
TO: All DMMA Staff
DATE: April 26, 2011
SUBJECT: Tax Relief, Unemployment Insurance Reauthorization and Job Creation Act of 2010

BACKGROUND

The Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 was signed into law on December 17, 2010. Under this law, the receipt of federal tax refunds will not affect an individual's eligibility, amount, and or extent of benefits for federal or federally assisted programs.

DISCUSSION

For 12 months following the month of receipt, federal tax refunds and advanced payments received after December 31, 2009 through December 31, 2012 are not countable resources. Any portion of the refund or payment remaining after the 12-month period is a countable resource.

The legislation also precludes applying a penalty to individuals who dispose of part or all of the refund or advance payment for less than fair market value during the period of January 1, 2010 through December 31, 2012.

These provisions only apply to eligibility and benefit determinations made on or after December 17, 2010.

ACTION REQUIRED

Denials, closings and reduction of benefits to any individual on or after December 17, 2010 due to receipt of a tax refund received after December 31, 2009 must have benefits restored.

DIRECT INQUIRIES TO

Barbara Lewis at (302) 424-7228

April 7, 2011
DATE

Dave Michalik
DAVE MICHALIK, CHIEF

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