



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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MEMORANDUM

DATE: April 25, 2011

TO: Ms. Deborah Gottschalk
DHSS Chief Policy Advisor

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

RE: 14 DE Reg. 1002 [DPH Proposed Alzheimer's Disease & Dementia Training Regulation]

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Health and Social Services/Division of Public Health's (DPHs) proposal to amend its policies regarding Health Systems Protections to require certain persons to receive dementia specific training. The regulation was published as 14 DE Reg. 1002 in the April 1, 2011 issue of the Register of Regulations. SCPD has the following observations.

As background, H.B. 159 was enacted in April, 2010. It requires DHSS to issue regulations requiring certain annual training to certified, licensed, registered or State-funded persons providing healthcare services directly to persons diagnosed with Alzheimer's or dementia. Physicians are excluded. DPH is now issuing a proposed regulation to implement the new law in four (4) contexts: 1) adult day care facilities; 2) home health agencies (aide only); 3) skilled home health agencies; and 4) personal assistance services agencies.

The proposed regulation is relatively straightforward and generally conforms to the statutory language. However, SCPD identified two (2) concerns.

First, the law requires the training to be provided "each year". The proposed §13.17, which is applicable to adult day care facilities, does not specifically require that the training be provided on an annual basis. Section 13.14.3 contemplates annual training but §13.17 is a "stand-alone" provision which omits any frequency of training standard.

Second, proposed §5.8.12 is ostensibly misplaced, incomplete, and lacking an annual training reference. Each preceding section (§§5.8.1 through 5.8.11) is a complete sentence. Section

5.8.12 is a clause. There is no reference to the frequency of training. These deficits could be easily resolved by incorporating the text of proposed §5.8.12 into a bullet under §5.8.6.

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

cc: Dr. Karyl Rattay
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