



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
MARGARET M. O'NEILL BUILDING
410 FEDERAL STREET, SUITE 1
DOVER, DE 19901

VOICE: (302) 739-3620
TTY/TDD: (302) 739-3699
FAX: (302) 739-6704

January 29, 2016

Mr. Jamie Mack
Division of Public Health
Jesse Cooper Building
417 Federal Street
Dover, DE 19901

RE: 19 DE Reg. 637 [DPH Final DMOST Regulation (1/1/16)]

Dear Mr. Mack:

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Health and Social Services/Division of Public Health's (DPH's) final regulation to repeal and replace its Delaware Medical Orders for Scope of Treatment ("DMOST") regulation. The final regulation was published as 19 DE Reg. 637 in the January 1, 2016 issue of the Register of Regulations. SCPD commented on the proposed version of this regulation in November. DPH has now adopted a final regulation incorporating several amendments prompted by the commentary.

First, the Council recommended an amendment to clarify that an AHCD valid in another state would qualify under the regulatory definition of AHCD. The Division agreed and adopted a conforming amendment.

Second, the Council recommended consideration of additional safeguards for persons with communication deficits. The Division added safeguards to §7.7.2.

Third, the Council recommended inclusion of a reference to "effective communication" based on the ADA. A conforming reference was added to §4.7.

Fourth, the Council identified a grammatical error in the DMOST form. The error was corrected.

Fifth, the Council identified an ambiguity in the signature line in the DMOST form. The Division edited the form.

Sixth, the Council recommended an edit to highlight a form provision addressing the representative's authority to alter a DMOST. The Division altered the format for greater clarity.

SCPD certainly appreciates that the Division adopted edits consistent with each of the Council's comments.

Sincerely,

A handwritten signature in black ink, reading "Damiana McMullin-Powell". The signature is fluid and cursive, with the first name being the most prominent.

Damiana McMullin-Powell, Chairperson
State Council for Persons with Disabilities

cc: Ms. Karyl Rattay, DHSS-DPH
Ms. Deborah Gottschalk, DHSS
Mr. Brian Hartman, Esq.
Developmental Disabilities Council
Governor's Advisory Council for Exceptional Citizens
19reg637 dph DMOST TY 1-27-16