



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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MEMORANDUM

DATE: October 29, 2010

TO: Ms. Deborah Harvey, Hearing Officer
Division of Public Health

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

RE: 14 DE Reg. 246 [DPH Proposed Child Lead-Based Screening Regulations]

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 adopt *Regulations Governing the Childhood Lead Poisoning Prevention Act for Children Between the Ages of 22 and 26 Months of Age*. As background, the Governor signed S.B. 300 into law on July 15, 2010. This bill requires the DPH to issue regulations covering lead screening of 24 month old children based on CDC model standards. The legislation notes that Delaware's practice of screening children only at 12 months of age is inadequate. The Division of Public Health is now implementing that directive by proposing to adopt conforming lead poisoning screening regulations. The proposed regulations were published as 14 DE Reg. 246 in the October 1, 2010 issue of the Register of Regulations.

In a nutshell, the regulations require health care providers to complete a risk assessment questionnaire for 22 to 26 month old children. Questionnaires must be retained for 3 years and DPH will conduct audits to monitor compliance. If the questionnaire results indicate that the child meets "high risk" criteria (defined in §2.0), a blood lead test must be obtained. Testing labs or health care providers performing the blood test must submit a copy of results to DPH (§7.1). Penalties for non-compliance are "stiff", i.e., DHSS is authorized to impose a civil penalty of \$10,000 per violation. See Title 16 Del.C. §107.

SCPD endorses the proposed regulations.

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

cc: Mr. Brian Hartman, Esq.
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council