



STATE OF DELAWARE  
STATE COUNCIL FOR PERSONS WITH DISABILITIES

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**MEMORANDUM**

DATE: June 17, 2010

TO: All Members of the Delaware State Senate  
and House of Representatives

FROM: Ms. Daniese McMullin-Powell *DMP/1/10*  
Chairperson  
State Council for Persons with Disabilities

RE: S.B. 254 [State Civil Penalty Trust Fund]

The State Council for Persons with Disabilities (SCPD) has reviewed S.B. 254 which would create a State Civil Penalty Trust Fund. SCPD endorses the proposed legislation and has the following observations.

In a nutshell, funds collected by the Division of Long Term Care Residents Protection (DLTCRP) from civil penalties imposed on long-term care facilities are currently deposited in a "Long-term Care Residents' Trust Fund. Federal law requires the establishment of the Trust Fund for nursing homes to "be applied to the protection of the health or property of residents of facilities that the State or CMS finds noncompliant". The bill would establish a separate trust fund for collection of civil penalties from non-nursing homes (e.g. group homes; assisted living facilities). Money in the new trust fund would be available to more flexibly benefit the residents of the 300 non-nursing homes licensed by the DLTCRP as well as benefitting persons living in the community (e.g. workshops on fraud prevention and advertising DHSS services).

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

cc: The Honorable Jack A. Markell  
Mr. Brian Hartman, Esq.  
Governor's Advisory Council for Exceptional Citizens  
Developmental Disabilities Council