



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, ^{DMP/Kit} Chairperson
State Council for Persons with Disabilities

RE: 14 DE Reg. 989 [DLTCRP 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 Long Term Care Residents Protection's (DLTCRPs) proposal to amend its policies to require certain persons to receive dementia specific training. The regulation was published as 14 DE Reg. 989 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. The Division of Long Term Care Residents Protection is now issuing a proposed regulation to implement the new law in six (6) contexts: 1) skilled and intermediate care nursing facilities regulations; 2) nursing assistants and certified nursing assistants regulations; 3) assisted living facilities regulations; 4) rest (residential) home regulations; 5) group home facilities for persons with AIDS regulations; and 6) rest (family) care homes regulations. SCPD has the following observations.

First, in the nursing facility regulation, §5.6.1 omits any requirement that covered providers participate in the training "each year".

Second, in the assisted living facility regulation, §5.11 omits any requirement that covered providers participate in training "each year".

Third, in the group home for persons with AIDS regulation, §7.11 omits any requirement that

covered providers participate in training “each year”.

Fourth, it is unclear why the regulation does not address training in the following contexts: 1) group home facilities for persons with mental illness (Part 3305); and 2) group home facilities for persons with developmental disabilities (Part 3310). Both types of facilities could house individuals with dementia, including persons with TBI, i.e., dementia due to head trauma (DSM IV, §294.1). The Department may wish to consider whether amendments to these regulations should also be proposed.

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

cc: The Honorable Susan DelPesco
Mr. Brian Hartman, Esq.
Governor’s Advisory Council for Exceptional Citizens
Developmental Disabilities Council

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