



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES

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MEMORANDUM

DATE: March 27, 2012

TO: Ms. Sharon L. Summers, DSS
Policy, Program & Development Unit

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

RE: 15 DE Reg. 1277 [DSS Proposed Food Supplement Program Drug
Disqualification Regulation]

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Health and Social Services/Division of Social Services' (DSS) proposal to amend its Food Supplement Program, specifically, *Disqualification of Individuals Convicted of Drug Related Offenses*. The proposed regulation was published as 15 DE Reg. 1277 in the March 1, 2012 issue of the Register of Regulations. As background, the Governor signed S.B. 12 on June 22, 2011 which removed a bar on Food Supplement Program eligibility of convicted drug felons. SCPD supported that legislation given the correlation between drug usage and mental health conditions. In October 2011, DSS issued a proposed regulation implementing the new law. In commentary on that regulation, SCPD noted that DSS had overlooked 16 DE Admin Code 2027 which retained the drug felon disqualification. In adopting a final regulation, the Division agreed to issue a new regulation to cover the oversight. [15 DE Reg. 451 (October 1, 2011) (proposed); 15 DE Reg. 1027, 1028 (January 1, 2012) (final)].

SCPD endorses the proposed regulation since the Division is now issuing a proposed regulation eliminating the drug felon disqualification from 16 DE Admin Code 2027.

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

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

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