



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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The Honorable John Carney,
Governor

John McNeal, Director
SCPD

MEMORANDUM

DATE: June 29, 2023

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

FROM: Mr. Benjamin Shrader, Chairperson 
State Council for Persons with Disabilities

RE: SB 150 (Act to Amend Title 16 of the Delaware Code Relating to
Dementia Care Services in Long-Term Care Facilities)

The State Council for Persons with Disabilities (SCPD) has reviewed SB 150 which defines dementia services and activity services and requires all long-term care facilities that offer dementia care services have sufficient staff to meet the needs of each resident.

SCPD has the following observations and recommendation:

- While SB 150 applies to both SNFs (Skilled Nursing Facilities) and ALFs (Assisted Living Facilities), SNFs already have codified staffing ratio requirements for nursing services direct caregivers under 16 Del. C. § 1162, while ALFs do not. ALF staffing ratios in facilities offering memory care services would instead be governed under SB 150's provisions, which fail to quantitatively indicate what constitutes "sufficient staff," and gives no guidance into who will be determining what constitutes sufficient staff. In practice, this means that it will likely be the ALFs themselves making these determinations. **The SCPD recommends that the State implement the same**

quantifiable staffing ratios to ALFs for nursing services direct caregivers that are found in 16 Del. C. § 1162 for SNFs.

- **Additionally, The SCPD recommends that Title 16, Chapter 11's requirement of direct caregivers at a minimum being certified nursing assistants (CNAs), be carried into ALFs.** As it stands, ALFs are not required to staff CNAs as direct care staff.

The SCPD endorses this bill, with the above recommendations.

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

cc: Ms. Marissa Band, Esq.
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council

SB 150 Dementia Care Services in LTC 6-29-23