



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 151 (An Act to Amend Title 6 of the Delaware Code Relating to
Mandatory Disclosure of Information in Long-Term Care Facilities
Offering Dementia Care Services)

The State Council for Persons with Disabilities (SCPD) has reviewed SB 151 which would institute requirements that long-term care facilities (SNFs and ALFs) promoting or advertising the provision of healthcare services to individuals with dementia complete a written notice form prepared by the DHSS.

SCPD has the following observations and recommendations:

- The Task Force recommended requiring long-term care facilities offering memory care services to provide an initial orientation program for both the resident and their family.¹ It was recommended that such a program include tours of the facility, information on resident rights and responsibilities—including right to make decisions about their care—the right to privacy and confidentiality, and the right to be free from abuse or neglect.² It appears that

¹ Task Force Final Report, 23

² *Id.*

these recommendations were taken into consideration, but were altered and inserted into SB 151's written notice section. While requiring disclosure of such information is a net positive, the SCPD is concerned that families and particularly residents may not fully comprehend the information they are being provided with, as older residents often face challenges related to literacy³ and vision.⁴ **The SCPD wants to restate the Task Force's recommendation that individuals who are admitted to SNFs and ALFs for non-emergency reasons have the opportunity to receive an in person or telephone/web orientation prior to admission, and advocate for its inclusion in this legislation, and for those admitted on an emergency basis, within 30 days of admission.**

- **The SCPD also recommends an "out" in the contract forms that would allow the resident or family members after orientation to not stay in the facility if they feel that it is not a good fit.**

The SCPD endorses this bill, but 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 151 Mandatory Disclosure of Information in LTC 6-29-23

³ According to a study conducted by the National Center for Educational Statistics, 39 to 47 percent of older adults score in the lowest level of literacy, with such individuals having the hardest time comprehending documents.
<https://nces.ed.gov/pubs97/97576.pdf>

⁴ According to the National Center for Biotechnology Information, 47.4% of Delawareans in nursing homes have moderate to severe vision impairment, and 16.2% are blind.