



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 152 (An Act to Amend Title 16 of the Delaware Code Relating to
the Rights of Long-Term Care Facility Residents)

The State Council for Persons with Disabilities (SCPD) has reviewed SB 152 which expands the rights of long-term care residents by ensuring they receive care that recognizes their cultural differences, and that residents are made aware of their rights in a language and format that is accessible.

The SCPD has the following observation and concern:

- The bill changes existing language requiring that residents be fully informed in a language in which they understand to one in which they are fluent.¹ This change is of concern, as it implies that the onus is on the resident to understand the information provided, so long as it is accessible and in a language that they are fluent in.

¹ Senate Bill No. 152, § 1121. Resident's rights. (26) Each resident ~~shall~~ must be fully informed, in plain language and in a language in which the resident can understand is fluent, of the resident's rights and all rules and regulations governing resident conduct and the resident's responsibilities during the stay at the facility. This must be provided in a format that is accessible to the patient and any authorized representative.

The SCPD endorses this bill, but recommends that the legislation place an emphasis on resident comprehension and understanding rather than fluency.

This would require inclusion of modalities such as videos with ASL and captioning, options for in-person meetings with social workers for residents who are better served by in-person communication, audio records, large print, braille, and other modalities as needed..

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 152 Rights of the LTC Facility Residents 6-29-23