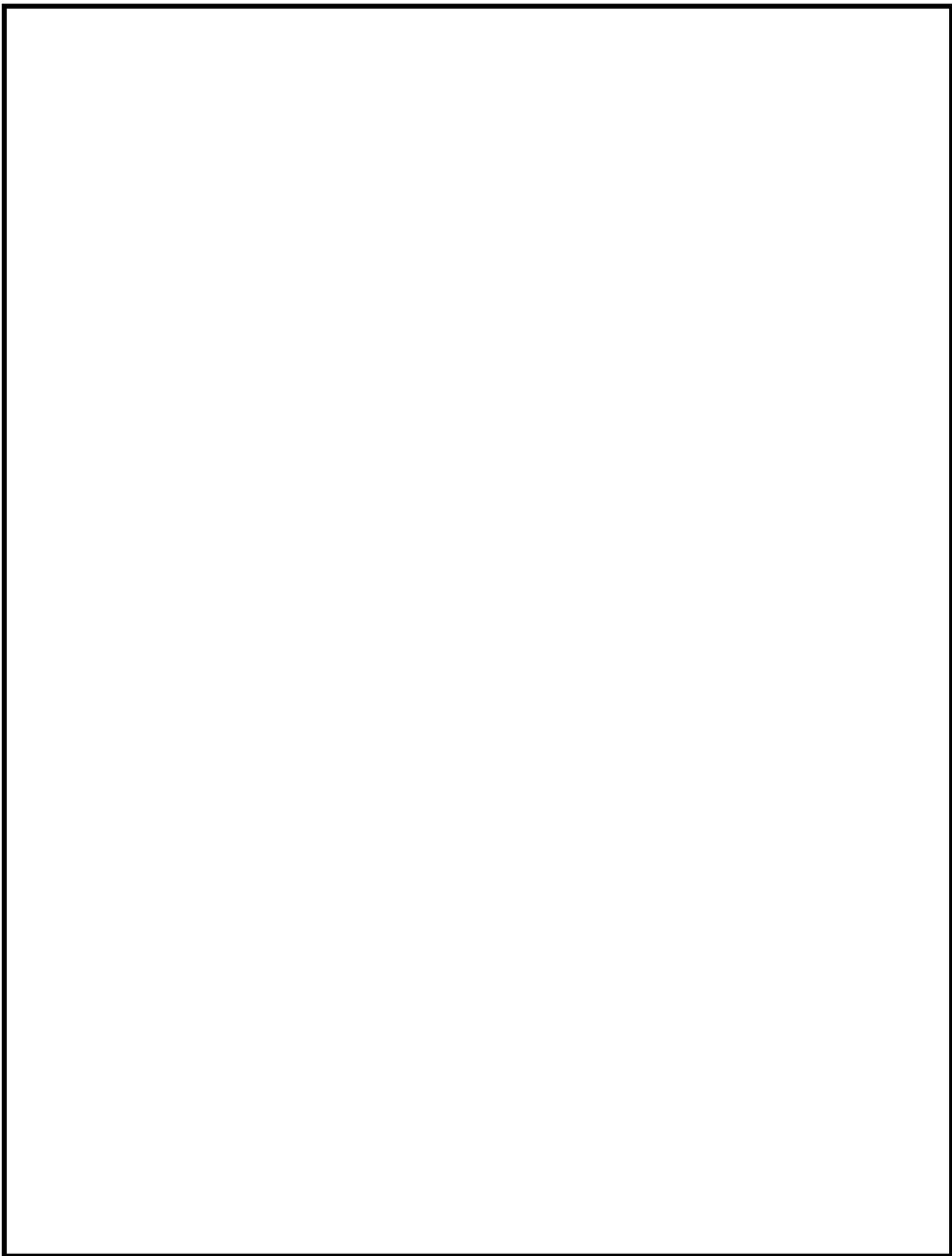




Annual Report
July 1, 2014 – June 30, 2015

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SCPD Review of State Legislation
FY 2015

LEGISLATION	SYNOPSIS	ACTION	DATE LETTER SENT	FINAL STATUS
H.B. 5	Adds electronic smoking devices to the Clean Indoor Air Act and prohibits the use of electronic smoking devices in all public places where smoking is prohibited under current law.	Strongly endorsed the proposed legislation, but opposed first two amendments. Provided observations.	4/29/15	Signed on 7/7/15 w/HA 4. (HA 1 Defeated; HA 2 & 3 Stricken; HA 5 Defeated; SA 1 Stricken; SA 2 Defeated).
H.B. 8	Amends the definition of psychiatrist to include a doctor who has completed an accredited residency training program in psychiatry so that all psychiatrists can act under this statute. Amends the definition of credentialed mental health screener to include Veterans Affairs doctors working in Delaware which allows Veterans Affairs doctors to hold patients for involuntary observation and treatment of mental conditions.	Provided 3 observations and recommendations.	2/27/15	Signed on 4/23/15.
H.B. 10	Designed as a partnership model, integrated into the culture and operations of businesses, educational institutions, state agencies, and non-profit organizations, funded almost exclusively by the private sector and is a robust program based on collaboration and best practices.	Endorsed the proposed legislation.	2/27/15	Signed on 7/9/15.
H.B. 12	Seeks to ensure that every public school in the State of Delaware has a nurse and provides a mechanism to allow public schools that currently do not have a school nurse to receive state funds. Also allows for a match tax to assist those school districts that acquire a nurse as a result of this bill to pay for the local share of that nurse.	Endorsed the proposed legislation, but suggested that the legislators consider an amendment requiring both district and charter schools to have a school nurse in each facility.	4/6/15	1/7/15 Introduced and Assigned to House Education Committee; 3/18/15 Reported Out of House Education Committee; 3/24/15 Assigned to House Appropriations Committee.
H.B. 14	Requires that any door to a classroom will be equipped with a lock that can be locked from either side of the door as a public school safety measure. Locking the door(s) to a classroom from inside the classroom would enable precluding a school intruder from entering that classroom.	Provided observations regarding the pros and cons of having all classroom doors lockable from both inside and outside.	2/27/15	1/7/15 Introduced and assigned to House Education Committee; 3/18/15 Reported Out of House Education Committee; 3/24/15 Assigned to House Appropriations Committee.
H.B. 17	Provides a mechanism for financial institutions to freeze transactions that they suspect are financial exploitation of an elderly person and requires them to report suspected financial exploitation to the proper state or federal agency.	Endorsed the proposed legislation.	2/27/15	Signed on 6/4/15.

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H.B. 27	Requires all new school construction or major renovation to include the following features: an intruder alarm, bulletproof glass in entrance areas and interior doors and windows, and doors lockable with keys on both sides. Requires all new school construction plans to be submitted to the Office of Management and Budget's Facilities Management Section for compliance with these requirements as well as with Crime Prevention through Environmental Design principles.	Endorsed the proposed legislation subject to incorporation of 1 recommended sentence amendment.	2/27/15	1/14/15 Introduced and Assigned to House Education Committee. Stricken on 7/1/15.
H.B. 30	Provides State funding to kindergarten through third grade for basic special education. This bill is an effort to promote earlier identification and assistance for basic special education needs which should then mitigate costs over the long term.	Endorsed the proposed legislation subject to 1 amendment.	3/23/15	1/28/15 Introduced and Assigned to House Education Committee; 3/25/15 Reported Out of House Education Committee; 3/26/15 Assigned to House Appropriations Committee.
H.B. 45	This Bill is the Fiscal Year 2016 Appropriation Act.	Provided 5 observations and recommendations regarding DOE Flexible Funding Pilot. Endorsed the first provision.	4/6/15	1/29/15 Introduced and Assigned to House Appropriations Committee.
H.B. 46	Sets forth the rights of abused, neglected and dependent youth in DSCYF Custody.	Endorsed the proposed legislation.	4/29/15	Signed on 8/5/15.
H.B. 50	Creates the right for the parent or guardian of a child to opt out of the annual assessment, currently the Smarter Balanced Assessment System.	Did not support the proposed legislation, but stated that it is important to eliminate duplicative testing and testing programs which may be overkill. Raised 5 concerns.	4/29/15	Vetoed on 7/16/15.
H.B. 52	Makes the teaching of cursive writing a requirement for all public schools in Delaware.	Endorsed the proposed legislation.	4/29/15	3/17/15 Introduced and Assigned to House Education Committee; 4/29/15 Reported Out of House Education Committee.
H.B. 63	Memorializes the Court of Chancery's long-standing practice of requiring notice to interested parties, appointment of an appraiser, and a return of sale in petitions to sell real estate owned by a person with a disability. Confirms that the Court may consider a petition to sell real estate based on the papers submitted or may require a hearing.	Endorsed the proposed legislation subject to consideration of 2 amendments.	4/29/15	Signed on 6/26/15.

LEGISLATION	SYNOPSIS	ACTION	DATE LETTER SENT	FINAL STATUS
H.B. 64	Authorizes the use of Medical Orders for Scope of Treatment in Delaware. This document, a "DMOST form," will allow Delawareans to plan ahead for health-care decisions, express their wishes in writing, and both enable and obligate health care professionals to act in accordance with a patient's expressed preferences.	Endorsed the proposed legislation.	4/29/15	Signed on 5/28/15.
H.B. 94	Seeks to require Supplemental Nutrition Assistance Program (SNAP) benefits to be used solely for the purchase of healthy foods identified by the Department of Health and Social Services as having beneficial nutritional value. Using the WIC guidelines as a starting point, this Act instructs the Delaware Department of Health and Social Services (DHSS) to draft a list of approved foods using the WIC guidelines.	Opposed the proposed legislation.	6/26/15	4/16/15 Introduced and Assigned to House Health & Human Development Committee; Tabled in Committee.
H.B. 105	This is the first leg of a constitutional amendment that would eliminate from the Delaware Constitution the limitations as to when a person may vote by absentee ballot. This amendment to the Delaware Constitution provides that the General Assembly shall enact general laws providing the circumstances, rules, and procedures for absentee voting.	Endorsed the proposed legislation.	5/18/15	4/21/15 Introduced and Assigned to House Administration Committee; 4/29/15 Reported Out of Committee.
H.B. 111 w/HA 1, HA 2 & SA 1	Updates the Delaware Code to clearly define the level of medication administration permitted by unlicensed personnel and the settings in which they can administer medications. Additionally, there is a change to designate a previously undesignated paragraph, in keeping with the Delaware Legislative Drafting Manual.	Provided 4 observations and recommendations to the Sponsor of proposed legislation. Restated concerns with proposed legislation to sponsor of proposed legislation and recommended consideration of substituting and renumbering of Paragraphs 4, 5, and 6. Requested a copy of any draft amendment for review prior to introduction.	5/6/15 5/18/15	Signed on 7/10/15.

LEGISLATION	SYNOPSIS	ACTION	DATE LETTER SENT	FINAL STATUS
H.B. 116	Makes the DSCYF Education Unit a Local Education Agency for very limited purposes. Allows DSCYF Education Unit teachers to apply for federal, state, or private loan forgiveness programs available to educators who work in a Local Education Agency. Also allows the DSCYF Education Unit to apply for federal, state, or private grants that are made available to Local Education Agencies and allows the Education Unit to issue credits to youth who finish classes while they are in our care and educated by the Unit.	Endorsed the proposed legislation and provided observations.	5/18/15	Signed on 6/30/15.
H.B. 117	Creates a funding source for students enrolled in Delaware public schools who are determined as low-income according to the Department of Education. This funding source will be in addition to the normal enrollment based funding provided to school districts and charter schools.	Provided 3 significant concerns.	5/18/15	4/28/15 Introduced and Assigned to House Education Committee; 6/2/15 HA 1 Placed With Bill; 6/4/15 Reported out of House Education Committee; 6/18/15 Assigned to House Appropriations Committee.
H.B. 126	Adopts the ABA standard for juvenile delinquency by establishing the age of 10 as the minimum age of responsibility in juvenile prosecutions.	Provided 4 observations.	6/26/15	Signed on 7/10/15.
H.B. 150	Allows a competent terminally ill patient the ability to request medication to end the patient's life. It clarifies the procedures necessary for making the request, such as but not limited to: the receipt of counseling, a physician's evaluation, the passage of a waiting period, and the completion of a formally witnessed request for such medication. It further provides the right to rescind any request for such medication; as well as immunity for persons participating in good faith compliance with the procedures.	Opposed the proposed legislation. Requested to be included in any future discussions.	6/26/15	5/28/15 Introduced and Assigned to House Health & Human Development Committee; Tabled in Committee.
S.B. 10	Makes technical changes to the Delaware Performance Appraisal System (DPAS) II Advisory Committee membership and meeting dates. Additionally, this Act clarifies language regarding the Committee's duties in order to better provide advice to the Secretary of the Department of Education and the State Board of Education in the promulgation of regulations relating to DPAS II.	Endorsed the proposed legislation, but stated a preference that GACEC be represented on the DPAS II Advisory Committee.	2/27/15	Signed on 4/30/15.
S.B. 28	Ensure that all indigent persons accused of crime will be well represented. In addition to the modernization of the business model for delivery of indigent defense services, this bill changes the term of future Chief Defenders from 6 to 12 years.	Provided 5 observations and recommendations.	4/6/15	Stricken on 5/6/15.

LEGISLATION	SYNOPSIS	ACTION	DATE LETTER SENT	FINAL STATUS
S.B. 33 w/SA 3	Implements the legislative recommendations of the IEP Improvement Task Force created by the 147 th General Assembly.	Endorsed the proposed legislation w/SA 1.	3/20/15	Signed on 6/18/15.
S.B. 38	Allows a terminally ill patient, and his or her treating physician, to decide if they will pursue treatment with an investigational drug, biological product or device, which has successfully completed Phase One of a clinical trial. Also protects all involved parties from being held liable for any loss, damage or injury that results from the use of investigational drug, biological product or device, and prevents state interference in the implementation of this policy.	Endorsed the proposed legislation after weighing the pros and cons.	4/29/15	3/24/15 Assigned to Senate Health & Social Services Committee.
S.B. 92	Revamps the current statutory framework for the Delaware Autism Program (DAP) initially adopted in the early 1980s.	Provided 9 observations.	6/26/15	5/12/15 Assigned to Senate Education Committee; 6/3/15 Reported Out of Senate Education Committee.
S.B. 93	Establishes an Interagency Committee on Autism and the Delaware Network for Excellence in Autism.	Provided 14 observations.	6/26/15	5/12/15 Assigned to Senate Education Committee; 6/3/15 Reported Out of Senate Education Committee.
S.B. 107 w/SA 1	Enables the Department of Health and Social Services to promulgate regulations allowing home health agencies and personal assistance services agencies to provide services in nursing facilities and hospitals. This change will allow consumers to receive the services necessary to safely achieve their highest level of independence and optimal quality of life while residing in their own home or during a necessary hospitalization.	Provided 3 observations, including limitations in implementing the intent of the legislation.	6/2/15	Signed on 7/27/15.

**Review of Regulations
FY 15**

REGULATION NO. 18 DE	SYNOPSIS	ACTION	DATE LETTER SENT	FINAL STATUS
7	DOE Proposed Supportive Instruction	Endorsed the proposed regulation and provided 2 amendments.	7/31/14	Reviewed final regulation on 9/1/14. Two amendments adopted. No further action taken.
9	DMMA Medicaid Telemedicine	Endorsed the proposed 1 sentence State Medicaid Plan amendment clarifying that providers are authorized for delivered services via telemedicine.	7/31/14	Reviewed final regulation 227 on 9/1/14. No further action taken.
11	DMMA Medicaid Primary Care Services Payment	Endorsed the proposed regulation.	7/31/14	Reviewed final regulation 229 on 9/1/14. No further action taken.
14	DSS Proposed Food Supplement Program Income Deductions	Endorsed the proposed regulation.	7/31/14	Reviewed final regulation 233 on 9/1/14. No further action taken.
19	DSS Proposed Child Care Subsidy Prioritizing Service Needs	Provided 2 observations.	7/31/14	Reviewed final regulation 231 on 9/1/14. Two amendments adopted by DSS.
104	DOE Proposed CPR Instruction	Provided 2 observations and recommendations	8/28/14	Reviewed final regulation 369 on 10/1/14. DOE addressed observations and recommendations, but no amendments adopted. No further action taken.
106	DMMA Proposed PASRR	Provided 4 observations.	8/28/14	Reviewed final regulation 305 on 10/1/14. DMMA adopted 4 amendments. No further action taken.
119	DPH Proposed Hospital Locked Bathroom Door Access	Provided 3 observations.	8/28/14	Reviewed final regulation 390 on 11/1/14. DPH addressed amendments. No further action taken.
122	DFS Proposed Residential Child Care & Day Treatment Program	Provided 11 observations and recommendations.	8/28/14	??
177	DOE Proposed Charter School "Impact"	Provided 3 observations.	9/29/14	Reviewed final regulation 366 on 11/1/14. DOE adopted 1 amendment and addressed 2 other amendments. No further action taken.
183	DMMA Proposed Delaware Healthy Children Program Premium	Endorsed proposed changes.	9/29/14	Reviewed final regulation 375 on 11/1/14. No further action taken.
186	Proposed DSHP 1115 Waiver Amendment Covering PROMISE	Endorsed the initiative subject to consideration of 2 observations.	9/29/14 12/17/14	Reviewed final regulation 371 on 11/1/14. DMMA addressed 2 amendments with no change effected. Strongly encouraged Secretary Landgraf to review the Division's decision to not include TBI as a stand-alone, qualifying diagnostic category and reconsider this position.

REGULATION NO. 18 DE	SYNOPSIS	ACTION	DATE LETTER SENT	FINAL STATUS
279	DOE Proposed State Assessment	Provided 10 observations.	10/29/14	Reviewed final regulation 556 on 1/1/15. DOE adopted 5 amendments. GACEC will follow-up on 1/1/15. No further action taken.
280	DOE Proposed Extended School Year Services	SCPD provided strongly worded comments including 3 observations and 1 recommendation. Provided 5 observations and requested that DOE include the omitted §6.2 amendment in the final regulation.	10/29/14 2/26/15	Reviewed final regulation 562 on 1/1/15. DOE adopted 1 amendment. Review final regulation 859 on 5/1/15. DOE incorporating the omitted provision. No further action taken.
281	DOE Proposed Eligibility & IEP Reading Interventions	Provided 3 extensive observations and recommendations. Shared a Supplemental Analysis of Regulations Implementing S.B. 229. Endorsed the proposed regulation.	10/29/14 2/26/15	DOE reissued proposed regulation 621 on 10/1/14. DOE adopted 2 amendments. Reviewed final regulation 564 on 1/1/15. DOE acknowledged endorsement and adopted 2 amendments.
282	DLTCRP Proposed Rest (Family) Care Home	Provided 15 observations and recommendations.	10/29/14	Reviewed final regulation 569 on 1/1/15. DLTCRP adopted 13 amendments. No further action taken.
340	DOE Proposed Michael Ferguson Achievement Awards Program	Provided 9 observations and 9 recommendations. Recommended retention of the term scholarship. Strongly suggested considering whether it has the authority to substitute grade 11 for grade 10.	11/25/2014	
343	DOE Proposed James H. Groves High School	Provided 5 observations and recommendations.	11/25/14	Reviewed final regulation 561 on 1/1/15. All amendments rejected. No further action taken.
350	DOE Proposed Teacher of Students Who Are Gifted or Talented Certification	Provided 2 minor observations.	11/25/14	Reviewed final regulation 566 on 1/1/15. DOE adopted 2 amendments. No further action taken.
354	DSS Proposed TANF State Plan Renewal	Endorsed the proposed regulation.	11/25/14	Reviewed final regulation 646 on 2/1/15. DSS acknowledged endorsement. No further action taken.
359	OMB Proposed Downtown Development District Application	Provides 2 observations and recommendations.	11/25/14	
419	DOE Medications & Treatments	Provided 9 extensive observations and our positions.	12/30/14	
424	DMMA Proposed Medicaid Primary Care Payment Rate	Endorsed the proposal subject with one concern regarding standard and recommended clarification.	12/30/14	Reviewed final regulation 642 on 2/1/15. DMMA responded with no change effected. No further action taken.

REGULATION NO. 18 DE	SYNOPSIS	ACTION	DATE LETTER SENT	FINAL STATUS
429	DMMA Proposed Medicaid Rehabilitative Services	Provided 2 observations and comments including concerns about the eligibility for PROMISE.	12/30/2014	Reviewed final regulation 60 on 7/1/15. DMMA addressed 2 amendments with no change effected. No further action taken.
438	DFS Revised Proposed Early Care & Education & School-Age Center	Provided 7 observations and recommendations. Provided 14 observations and recommendations on a revised proposed regulation 778. Expressed concerns on requirement of a licensed person to notify OCCL if a child is injured while in care of a center.	12/30/2014 4/29/15	DFS adopted 1 amendment and addressed 6 amendments. Reviewed final regulation 974 on 6/1/15. DPF adopted 11 amendments and addressed 3 amendments.
496	DOE Proposed Alternative Routes to Teacher Licensure & Certification Program	Endorsed the proposed regulation.	2/02/15	No further action taken.
497	DLTCRP Financial Capability Reporting	Provided 9 grammatical and formatting observations.	1/30/15	Reviewed final regulation 52 on 7/1/15. DLTCRP adopted 4 amendments. No further action taken.
504	DMMA Proposed Certification & Regulation of Medicaid MCO	Provided 5 observations.	1/30/15	Reviewed final regulation 693 on 3/15/15. DMMA addressed 5 amendments and adopted 4 amendments. No further action taken.
509	DMMA Proposed Medicaid Inpatient Rehabilitation Hospital	Endorsed the proposed regulation but notes that covered facilities may benefit from using a similar reimbursement system for both Medicaid and Medicare patients.	1/30/15	Reviewed final regulation 784 on 4/15/15. DMMA acknowledged endorsement. No further action taken.
514	DSS Proposed Child Care Subsidy Program	Endorsed the proposed regulation including 1 minor recommendation.	1/30/15	Reviewed final regulation 697 on 3/1/15. DSS adopted 1 amendment and acknowledged endorsement. No further action taken.
616	DOE Proposed Gifted or Talented Education Plan	Provided 3 observations. Provided 6 observations and recommendations.	2/26/15 5/18/15	DOE adopted 3 amendments. DOE issued a new proposed regulation 836. Reviewed final regulation 48 on 7/1/15. DOE responded to each amendment and adopted 2 amendments. No further action taken.

REGULATION NO. 18 DE	SYNOPSIS	ACTION	DATE LETTER SENT	FINAL STATUS
681	DMMA Proposed Statewide Transition Plan for Home and Community-Based Services	Provided 9 observations and concerns. Encouraged DMMA to strictly follow the Olmstead guidance on integrated vs. segregated settings and the CMS guidance on settings that have the effect of isolating individuals receiving HCBS from the broader community. Expressed interest in future collaborations to implement requirements of CMS Rule.	3/06/15	Reviewed final regulation 966 on 6/1/15. DMMA addressed 9 amendments and adopted 4 amendments. No further action taken.
759	DOE Proposed School Transportation	Provided 5 observations.	4/29/15	Reviewed final regulation 961 on 6/1/15. DOE adopted 4 amendments. Reviewed final regulation 51 on 7/1/15. No further action taken.
761	DLTCRP Financial Capability Reporting	Provided 5 observations.	4/29/15	Reviewed final regulation 52 on 7/1/15. DOE adopted 4 amendments. No further action taken.
778	DFS Proposed Early Care & Education & School-Age Centers	Provided 14 observations and recommendations.	4/29/15	Reviewed final regulation 974 on 6/1/15. DFS adopted 10 amendments; no change effected in 4 amendments.
817	DOE Proposed Teacher Appraisal	Submitted 3 observations including endorsing the third provision for any teacher with a "Needs Improvement" or "Ineffective" rating on an evaluation or appraisal components.	5/18/15	Reviewed final regulation 35 on 7/1/15. DOE addressed 3 amendments and adopted 1 amendment. No further action taken.
823	DOE Proposed Specialist Appraisal	Provided 3 observations.	5/18/15	Reviewed final regulation 38 on 7/1/15. DOE addressed 3 amendments and adopted 1 amendment. No further action taken.
828	DOE Proposed Administrator Evaluation System	Provided 4 observations and recommendations.	5/18/15	Reviewed final regulation 41 on 7/1/15. DOE addressed 3 amendments and adopted 1 amendment. No further action taken.
832	DOE Proposed Vaccination	Endorsed the concept subject to 4 observations and recommendations.	5/18/15	Reviewed final regulation 43 on 7/1/15. DOE adopted 4 amendments.
838	DMMA Proposed Medicaid Plan Drug Rebate	Endorsed the proposed regulation.	5/18/15	Reviewed final regulation 57 on 7/1/15. DMMA acknowledged endorsement. No further action taken.
938	DSAMH Proposed Substance Abuse Facility Licensing	Provided 24 observations and recommendations.	6/26/15	No further action taken.