



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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MEMORANDUM

DATE: April 25, 2011

TO: The Honorable Susan DelPescio, Director
Division of Long Term Care Residents Protection

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

RE: 14 DE Reg. 982 [DLTCRP Proposed P&A Cooperation Regulation]

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Health and Social Services/Division of Long Term Care Residents Protection's (DLTCRPs) proposal to amend policies to require facilities to cooperate fully with the State Protection and Advocacy (P&A) agency. The proposed regulation was published as 14 DE Reg. 982 in the April 1, 2011 issue of the Register of Regulations. SCPD strongly endorses the proposed regulation.

As background, legislation (H.B. 36) was enacted in 2009 to enhance the authority of the Community Legal Aid Society, as Delaware's P&A System, to monitor and address complaints of abuse/neglect in licensed long-term care facilities. The legislation included the following requirement codified at Title 16 Del.C. §1119C: "The Department shall include in its regulations for all facilities licensed under this chapter a requirement of full cooperation with the protection and advocacy agency in fulfilling functions authorized by this chapter."

The Division of Long-term Care Residents Protection is now issuing the regulation contemplated by the legislation signed by the Governor on August 24, 2009. The regulation essentially adds a sentence requiring full licensee cooperation with the P&A in fulfilling functions authorized by Chapter 11 within the following sets of regulations:

- 3201 Skilled and Intermediate Care Nursing Facilities;
- 3225 Assisted Living Facilities
- 3230 Rest (Residential) Home Regulations
- 3301 Group Home Facilities for Persons with AIDS
- 3305 Group Homes for Persons with Mental Illness
- 3310 Neighborhood Homes for Persons with Developmental Disabilities

•3315 Rest (Family) Care Homes

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

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