



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

John McNeal  
SCPD Director

MEMORANDUM

DATE: August 29, 2017

TO: Kelly McDowell  
Division of Family Services – Office of Child Care Licensing

FROM: Jamie Wolfe, Chairperson  
State Council for Persons with Disabilities

RE: 21 DE Reg. 133 [DFS Proposed Early Care, Education & School-Age Center Regulation (8/1/17)]

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Services for Children, Youth and Their Families/Division of Family Services (DFS)/Office of Child Care Licensing's (OCCL) proposal to amend its regulations covering early care, education, and school-age centers. The proposed regulation was published as 21 DE Reg. 133 in the August 1, 2017 issue of the Register of Regulations.

The most significant revision is a requirement that covered settings have “a trained staff member who has successfully received a valid Administration of Medication certificate from OCCL ... present at the center at all times.” The following rationale (p. 134) is provided:

Currently, Section 60.1 does not require an individual with a valid Administration of Medication certificate to be on site during all hours of operation. By amending these regulations, the needs of children requiring medication (with parent/guardian permission) while in child care will be met, consistent with the principals (sic “principles”) of the Americans with Disabilities Act.

The DFS regulations, along with the Nurse Practice Act [24 Del.C. §1921(a)(10)], authorize child care workers to administer prescription and nonprescription medications if they have successfully completed a state-approved medication training program.

By requiring the presence of a staff member qualified to administer medications at all times, the regulation should facilitate appropriate access to medications by minors in child care settings. We did not identify any concerns with the proposed amendments. Providers may object to this initiative.

The SCPD is strongly endorsing the proposed regulation.

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

cc: Ms. Carla Benson-Green, DFS  
Mr. Brian Hartman, Esq.  
Governor's Advisory Council for Exceptional Citizens  
Developmental Disabilities Council

21reg133 dscyf-dfs early care education-school age center 8-23-17