



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. 134 [DFS Proposed Family & Large Family Child Care Homes 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 family and large family child care homes. The proposed regulation was published as 21 DE Reg. 134 in the August 1, 2017 issue of the Register of Regulations. SCPD has the following observations.

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 home at all times.” The following rationale (p. 134) is provided:

Currently, child care regulations require applicants or providers to have administration of medication certification only if they choose to give medications in their licensed child care home. By amending these regulations, the needs of children requiring medication (with parent/guardian permission) while in child care will be met, consistent with the 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
21reg134 dscyf-dfs family and large family child care home 8-23-17