

Delaware Developmental Disabilities Council

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To: The Honorable Susan DelPesco, Director

From: The Developmental Disabilities Council

Date: May 1, 2011

RE: DLTCRP Prop. P&A Cooperation Regulation [14 DE Reg. 983 (4/1/11)]

The Developmental Disabilities Council (DDC) has reviewed the DLTCRP Proposed P&A Cooperation Regulation. **The DDC strongly endorses the proposed regulation.**

Legislation (H.B. No. 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

The Developmental Disabilities Council thanks you in advance for your consideration of our remarks. Should you have any questions please contact us at 739-3333.

CC. Governor's Advisory Council for Exceptional Citizens
State Council for Persons with Disabilities

