

2018-2019 LEGISLATIVE & POLICY AGENDA



Brought to you by:

Developmental Disabilities Council; Governor's Advisory Council for Exceptional Citizens; State Council for Persons with Disabilities; Community Legal Aid Society, Inc.; Delaware ADAPT; United Cerebral Palsy of Delaware, Inc.; Delaware Family Voices; Independent Resources, Inc.; University of Delaware Center for Disabilities Studies; Parent Advocates and Self Advocates

ACCESS TO QUALITY PREVENTATIVE DENTAL CARE FOR PEOPLE WITH DISABILITIES

We Support the vision that all members of the population of Delaware, regardless of age, ability, or financial status, will receive optimal oral health through an integrated system which includes prevention, education and appropriate treatment. It is clear that adults with developmental disabilities in Delaware have less comprehensive access to oral health care services than other adults. Good oral health care is important for adults with developmental disabilities for their general health, economic well-being, and social acceptance.

In order to bring positive outcomes for this social justice issue, we support the expansion of Medicaid coverage to include basic dental benefits for eligible adults and we support this coverage benefit for specific vulnerable adult populations who are at a high risk of oral disease.

ELIMINATION OF SUB-MINIMUM WAGE

We Support building infrastructure and supports needed to phase out the issuance of subminimum wage certificates including putting in place transition services and safeguards to protect the interests of any people with intellectual/developmental disabilities affected by this shift. We also support building infrastructure and creating incentives for employers or other solutions that will expand work opportunities for individuals with significant disabilities in integrated employment at competitive wages.

PAY RAISES FOR ATTENDANTS AND DIRECT SUPPORT PROFESSIONALS (DSP)

We Support a raise in pay for attendants who perform Medicaid or State-funded services consistent with the Community-Based Attendant Services Act. Personal attendants have not received a raise in 7 years. In addition, this group is one of the lowest paid set of workers that provide direct support for people with disabilities. An attendant in Delaware earns approximately \$10.75 per hour compared to a home health aide who typically starts at \$12.00 per hour. However, depending on the needs of the individual with a disability, the attendant may have more responsibility than a home health aide. The attendant may perform tasks that a home health aide is not allowed to perform due to agency rules.

ACCESSIBLE PARKING

We Support legislation to address inconsistent compliance with accessible parking requirements and inadequate enforcement of such standards. Provisions defining an accessible parking space and incorporating federal Americans with Disabilities Act (ADA) standards should be added to Title 21. Local governments should be prompted to establish an inexpensive permit process to ensure that applicable ADA standards are met when parking lots are installed, resurfaced, restriped, or repainted.

The above needed requirements will benefit all Delawareans including the elderly, parents with small children and people with disabilities which, in turn, will benefit those businesses that these citizens frequent as consumers.

DISABILITY INTEGRATION ACT

We Support the Disability Integration Act (DIA) which establishes that people with disabilities have an equal right under the Constitution to live in freedom. It does this by guaranteeing the choice to access community based supports and services instead of going into nursing facilities.

The legislation prohibits discrimination against individuals with disabilities who need long-term services and support, and for other purposes. It recognizes that “historically, society has tended to isolate and segregate individuals with disabilities, and, despite some improvements, such forms of discrimination against individuals with disabilities continue to be a serious and pervasive social problem.”

COMMUNITY FIRST CHOICE MEDICAID OPTION (CFCO)

We Support the Community First Choice Option (CFCO) which is an amendment to the Delaware State Medicaid Plan. CFCO provides funding for people with disabilities and the elderly to transition from institutional care and to receive long term services and supports in the community. Long term services and supports can also be provided for people with disabilities in the community that may be in jeopardy of unnecessary institutionalization.

UNIFORM STANDARDS FOR YEAR ROUND QUALIFICATIONS FOR SPECIAL EDUCATION TEACHERS

We Support the requirement for credentialed teachers year round for children not only with Autism, but all intellectual disabilities. It's a common practice among Delaware schools to hire a teacher internally who may or may not be trained and qualified to work in special education.

AMENDING THE NURSE PRACTICES ACT

We Support the position that Delaware's rules and regulations regarding the delegation of nursing duties and responsibilities that must be revised to allow more patients to remain in their home. Per current home health agency policy, there are certain duties which may only be performed by a nurse. These duties are no different than what a homemaker would provide. It is incumbent on the state to add these extra responsibilities prior to licensing a home health care facility or agency. Additionally, we support implementing a requirement that all agencies which provide life-sustaining care must provide a 24-hour, live person call service.

FUNDING FOR STUDENTS WITH INTELLECTUAL AND DEVELOPMENTAL DIABILITIES (IDD) TO BE ABLE TO ATTEND CERTIFICATE PROGRAMS SUCH AS CLSC AND SEED

We Support the enforcement of the Higher Education Opportunity Act of 2008 which authorized a comprehensive transition and post-secondary programs as a pathway to higher education for students with intellectual disabilities. This Act created the Delaware Advance Scholarship Program. The goal is to encourage Delaware students with intellectual disabilities to pursue studies for a comprehensive certificate or degree program at a Delaware institution of Higher Education in order to promote economic self-sufficiency. This effort would result in economic benefits to the state in the form of a more diverse, well-prepared workforce that is less reliant on government supports.

DUAL ELIGIBILITY – THE COORDINATION OF MEDICAID AND MEDICARE

We Support the introduction of a law that would ensure that dual eligible individuals have full access to the services and supplies/equipment to which they are entitled.

The State Division of Medicaid and Medical Assistance (DMMA) should require and provide oversight to the Managed Care Organization (MCO) they contract with to provide coordination of Medicare and Medicaid benefits for members that have both insurance programs. With the managed care's case worker, they should be able to coordinate the processes for dually eligible participants. The MCO's should be knowledgeable of and be able to solve the conflicts of policy between the two insurance programs and ensure continuity of care with safe transitions.