

February 24, 2010

Susan Del Pesco, Director
Division of Long Term Care Residents Protection
3 Mill Road, Suite 308
Wilmington, DE 19806

RE: DLTCRP Prop. Home Health Criminal Background. Check Reg. [13 DE Reg. 1009 (2/1/10)]

Dear Ms. Del Pesco,

The Developmental Disabilities Council understands that the Division of Long-term Care Residents Protection proposes to adopt a single amendment to its standards covering home health agency criminal background checks. The amendment would authorize the Division to require home health agencies to submit a list of applicants hired on a quarterly basis. The Division notes that it could then “cross-check our records to ensure compliance”. At 1009.

We offer only one concern. It may be difficult to “cross-check” based on names alone. Employees may use initials, surnames, etc. which could undermine cross-checking. Submission of Social Security numbers could facilitate the process. Submission in a uniform format could also be helpful. Therefore, the Division may wish to consider the following amendment to §3.3.9:

The Department reserves the right to obtain data from employers on the employment status of applicants covered under these regulations, including but not limited to the requirement that agencies submit on a quarterly basis a list of applicants hired *which shall conform in format and content to Division standards.*

The Developmental Disabilities Council thanks you in advance for your consideration of our comments. Should you have questions regarding these please contact our office at 739-3333

Sincerely,

Diann Jones
Chair