



SPONSOR: Sen. Hansen & Rep. K. Johnson
Sens. Cloutier, Delcollo, Lawson, Lockman, Pettyjohn,
Poore, Richardson, Townsend; Reps. Bentz, Hensley

DELAWARE STATE SENATE
150th GENERAL ASSEMBLY

SENATE CONCURRENT RESOLUTION NO. 62

ESTABLISHING THE DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES TASK FORCE.

1 WHEREAS, the General Assembly wants to promote continued access to home and community-based services of
2 the highest quality possible to adults with intellectual and developmental disabilities (“I/DD”); and

3 WHEREAS, the General Assembly believes that both service access and service quality for adults with I/DD
4 depend on a strong degree of collaboration and partnership among the Division of Developmental Disabilities Services
5 (“Division”) and its stakeholders, including contracted services providers and advocates; and

6 WHEREAS, the General Assembly supports an organized, formal review of Division policies, rules, structure, and
7 regulations; and

8 WHEREAS, a task force dedicated to study and make recommendations regarding the Division’s policies, rules,
9 structure, and regulations should be established.

10 NOW, THEREFORE:

11 BE IT RESOLVED by the Senate of the 150th General Assembly of the State of Delaware, the House of
12 Representatives concurring therein, that the Division of Developmental Disabilities Services Task Force (“Task Force”) is
13 established.

14 BE IT FURTHER RESOLVED that the Task Force study and make recommendations regarding the policies,
15 rules, structure, and regulations of Division.

16 BE IT FURTHER RESOLVED that, in performing its duties, the Task Force consider, have access to, and make
17 recommendations regarding all of the following:

18 (1) Starting and average hourly wages for all direct support professionals (“DSPs”), including the starting
19 average wages for DSPs who are designated as “shift leads.”

20 (2) Turnover rates for all DSP positions, including “shift leads.”

21 (3) Duration and number of full-time equivalents, also known as FTEs, of each DSP vacancy.

22 (4) The design of systems changes intended to address the delivery of services to adults with intellectual and
23 developmental disabilities.

- (5) The design of performance measures for services to adults with intellectual and developmental disabilities.
- (6) The number of substantiated incidents of abuse, neglect, and exploitation of adults with intellectual developmental disabilities, detailing the types of substantiated incidents by service setting.
- (7) Other trends, analyses, and recommendations as determined by the Task Force.
- (8) A synopsis from the Division of the occurrence of each of the following from 2015 through 2019:
- a. The total number of provider violations.
 - b. The number of provider violations by the type of violation.
 - c. The number of providers placed on probation.
 - d. The number of appeals.
 - e. The ultimate disposition of provider violations.
- (9) Any other information as requested by the Task Force that relates to the Division's functions and operations, including its home and community-based services for adults with intellectual and developmental disabilities.

BE IT FURTHER RESOLVED that the data required in paragraphs (7) through (9) of the 2nd BE IT FURTHER RESOLVED clause of this Concurrent Resolution are not records or proceedings for the purposes of § 1768 of Title 24. The release of data for the purposes of the final report required by this Concurrent Resolution does not waive the privileged nature of the data under § 1768 of Title 24 for the purposes other than that of the final report.

BE IT FURTHER RESOLVED that, when the sources of the data required in (7) through (9) of the 2nd BE IT FURTHER RESOLVED clause of this Concurrent Resolution provide the data to the Task Force, the data may not include information that may identify a specific patient or provider.

BE IT FURTHER RESOLVED that the Task Force is composed of 15 members, comprised as follows:

- (1) The following, appointed by the President Pro Tempore of the Senate:
- a. One member of the majority caucus of the Senate.
 - b. One member of the minority caucus of the Senate.
 - c. Two members from institutions of higher learning.
- (2) The following, appointed by the Speaker of the House of Representatives:
- a. One member of the majority caucus of the House of Representatives.
 - b. One member of the minority caucus of the House of Representatives.
- (3) One staff member of the Division, who is responsible for ensuring program quality, appointed by the Secretary of the Department of Health and Social Services.

(4) The following, appointed by the Governor:

- a. One member who is a supported employment provider.
- b. One member who is a day habilitation provider.
- c. One member who is a residential provider.
- d. One member who is a clinical nursing and behavioral analyst provider.
- e. Four who meet all of the following criteria:

1. Are advocates of individuals with developmental disabilities.

2. Are not employed by the Division.

BE IT FURTHER RESOLVED that the President Pro Tempore of the Senate and the Speaker of the House of Representatives appoint the co-chairs of the Task Force.

BE IT FURTHER RESOLVED that the co-chairs of the Task Force are responsible for guiding the administration of the Task Force by doing, a minimum, all of the following:

(1) Notifying all Task Force members of their selection to serve on the Task Force.

(2) Setting a date, time, and place for the initial organizational meeting.

(3) Supervising the preparation and distribution of meeting notices, agendas, minutes, correspondence, and reports of the Task Force.

(4) Sending, after the first meeting of the Task Force, a list of the members of the Task Force and their appointing authorities to the President Pro Tempore of the Senate, Speaker of the House of Representatives, and Director of the Division of Research of Legislative Council.

(5) Providing meeting notices, agendas, and minutes to the Director of the Division of Research of Legislative Council.

(6) Ensuring that the final report of the Task Force is submitted to the General Assembly and the Governor, with copies to the Director of the Division, the Secretary of the Department of Health and Social Services, the Director and the Librarian of the Division of Research of Legislative Council, and the Delaware Public Archives.

BE IT FURTHER RESOLVED that the Task Force hold its first meeting no later than August 1, 2019, and meet at least once per month.

BE IT FURTHER RESOLVED that a quorum of the Task Force is a majority of its members. A vacant position is not counted for quorum purposes.

BE IT FURTHER RESOLVED that:

83 (1) Official action by the Task Force, including making findings and recommendations, requires the approval
84 of a majority of the members of the Task Force present at a meeting with a quorum.

85 (2) The Task Force may adopt rules necessary for its operation. If the Task Force does not adopt rules or if the
86 adopted rules do not govern a given situation, *Mason's Manual of Legislative Procedure* controls.

87 BE IT FURTHER RESOLVED that the Division of Research is responsible for providing reasonable and
88 necessary support staff, materials, and meeting locations for the Task Force.

89 BE IT FURTHER RESOLVED that the Task Force compile a final report containing a summary of the Task
90 Force's work regarding the matters assigned to it in the 1st BE IT FURTHER RESOLVED clause of this Concurrent
91 Resolution, including any findings and recommendations adopted by the Task Force, and submit the report to the General
92 Assembly and the Governor, with copies to the Division, the Secretary of the Department of Health and Social Services,
93 and the Director and the Librarian of the Division of Research of Legislative Council no later than January 31, 2020.

SYNOPSIS

This Concurrent Resolution establishes a task force ("Task Force") to study and make recommendations regarding the policies, rules, structure, and regulations of the Division of Developmental Disabilities Services ("Division"). The Division provides home and community-based services for adults with intellectual and developmental disabilities.

The Task Force will consider, have access to, and make recommendations on several matters, including:

- (1) Wages and turnover rates for direct support professionals.
- (2) Design of systems changes and performance measures.
- (3) Other trends, analyses, and recommendations.
- (4) A synopsis of provider violations, probation, appeals, and ultimate outcomes from 2015 through 2019.

The data provided to the Task Force are not records or proceedings for the purposes of § 1768 of Title 24, commonly known as "peer review privilege." The release of data for the purposes of the Task Forces' work does not waive the privileged nature of the data, which must already omit information that may identify a specific patient or provider before it is provided to the Task Force.

This Concurrent Resolution is the result of the Joint Legislative Oversight and Sunset Committee deciding not to review the Division in 2020 and instead allow the Division time to undergo a more brief method of review. This process was initially created as an advisory council through Senate Bill No. 154 of the 150th General Assembly, but was later determined to be better achieved through a task force.

Author: Senator Hansen