

LAWS OF DELAWARE
VOLUME 85
CHAPTER 177
153rd GENERAL ASSEMBLY
FORMERLY
SENATE BILL NO. 170

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE COUNCIL FOR SERVICES FOR AGING AND ADULTS WITH PHYSICAL DISABILITIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 79, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 7915. Council on Services for Aging and Adults with Physical Disabilities.

(a) ~~There is established the Council on Services for Aging and Adults with Physical Disabilities.~~

(b) ~~The Council on Services for Aging and Adults with Physical Disabilities (the Council) serves in an advisory capacity to the Director of the Division of Services for Aging and Adults with Physical Disabilities and considers matters relating to the formation of local community councils for aging persons and for adults with physical disabilities, programs, and projects in this State to benefit aging persons and adults with physical disabilities and other matters as may be referred to it by the Governor, the Secretary of the Department, or the Director. The Council may study, research, plan, or advise the Director, the Secretary, or the Governor on matters it deems appropriate to enable the Division to function in the best possible manner.~~

(c) ~~The Council on Services for Aging and Adults with Physical Disabilities is composed of 15 members. The Governor shall appoint members for terms of up to 3 years. Members' terms must be staggered so that the terms of no more than 7 members expire in 1 year. The Council consists of the following:~~

(1) ~~Three members, each being a resident from a different county in this State and an aging or elderly person or a caregiver of an aging or elderly person as defined in § 7920 of this title.~~

(2) ~~Three members, each being from a public or nonprofit agency that provides services to aging persons.~~

(3) ~~Three members, each being a resident from a different county in this State and an adult with a physical disability or a caregiver of an adult with a physical disability as defined in § 7920 of this title.~~

(4) ~~Three members, each being from a public or nonprofit agency that provides services to persons with physical disabilities.~~

(5) ~~One member who represents veterans' issues.~~

(6) ~~Two members, each being from a public or nonprofit agency that provides services to alleged victims as defined in § 3902 of Title 31.~~

(d) ~~The Council membership must be composed of representatives in the following areas: aging persons, representatives of public or nonprofit agencies that serve aging persons, persons with a physical disability, low income aging persons, low income persons with a physical disability, minority aging persons, minority persons with a physical disability, veterans' affairs, representatives of public or nonprofit agencies that provide services to alleged victims as defined in § 3902 of Title 31, and representatives of public or nonprofit agencies that serve adults with physical disabilities. Each Council member may represent more than 1 area, but a member may not represent more than 3 areas.~~

(a) The Council for Services for Aging and Adults with Physical Disabilities ("Council") serves in an advisory capacity to the Director of the Division of Services for Aging and Adults with Physical Disabilities ("DSAAPD") and considers matters relating to the coordination and effectiveness of programs and services for older Delawareans and adults with physical disabilities, and other matters as may be referred to it by the Governor, the Secretary of the Department, or the Director.

(b) The Council consists of at least 15 members appointed by the Governor. The Governor shall appoint members for terms of up to 3 years. Members' terms must be staggered so that the terms of no more than 7 members expire in 1 year. The Council is composed of the following:

(1) More than 50% of older persons, meaning persons aged 60 years or more, including minority individuals.

(2) Representatives of older persons, such as a caregiver of an aging or elderly person or a caregiver of an adult with a physical disability.

(3) Representatives of health care provider organizations, including providers of veterans' health care, if appropriate.

(4) Representatives of supportive service provider organizations.

(5) Persons with leadership experience in the private and voluntary sectors.

(6) Local elected officials.

(7) The general public.

(8) Two members, each being from a public or nonprofit agency that provides services to alleged victims as defined in § 3902 of Title 31.

(9) An adult with a physical disability, or a caregiver of an adult with a physical disability, as defined in § 7920 of this title.

(10) Family caregivers, which may include older relative caregivers.

(11) As available:

a. Representatives from Indian Tribes, Pueblos, or Tribal aging programs.

b. Older relative caregivers, including kin and grandparent caregivers of children or adults age 18-59 with a disability.

(c) Conflict of Interest Policy. In accordance with 45 CFR § 1321.47 and § 1321.63, members representing service providers may serve on the Council, but the appointed individual must not have any personal or financial interest and may not receive funding from DSAAPD. The Division shall adopt, amend, or repeal regulations to mitigate potential conflicts of interest to ensure compliance with federal requirements. For purposes of this section, the term "personal interest" includes the meanings set forth in § 5805 of this title and under applicable federal law and the term "financial interest" includes the meanings set forth in § 5804(5) of this title and under applicable federal law.

~~(e)~~(d) A Council member serves without compensation, except for reimbursement for reasonable and necessary expenses incident to duties as a member of the Council.

~~(f)~~(e) Council members shall elect a chair for a 2-year term from among its members, with the chair alternating each term between a representative of the aging community and a representative of adults with physical disabilities. A chair may serve 2 nonconsecutive terms.

~~(g)~~(f) An appointment to the Council to fill a vacancy prior to the expiration of a term shall fill the remainder of the term.

~~(h)~~(g) The Council chair shall discharge a member who is absent from more than 3 consecutive meetings, unless excused by the Council.

~~(i)~~(h) The Council may establish subcommittees and make appointments to the subcommittees with the approval of all members of the Council.

~~(j)~~(i) A quorum of the Council is a majority of the council members.

~~(k)~~(j) A Council decision relative to policy and budget must be made by a majority of the members present at a meeting that has a quorum. The Division of Services for Aging and Adults with Physical Disabilities shall provide staff assistance to Council and Council's subcommittees.

Approved August 25, 2025