



SPONSOR: Sen. Lockman & Sen. Hansen & Rep. Bentz  
Sens. Delcollo, Lopez, Richardson, Walsh; Reps. Bennett,  
Dorsey Walker, Spiegelman, K. Williams, Yearick

DELAWARE STATE SENATE  
150th GENERAL ASSEMBLY

SENATE BILL NO. 154

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO SERVICES FOR ADULTS WITH  
INTELLECTUAL AND DEVELOPMENTAL DISABILITIES.

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 ("DDDS") and its stakeholders, including contracted services providers and advocates; and

6 WHEREAS, the General Assembly supports the development of policies and procedures adopted by DDDS and  
7 the regulations promulgated by DDDS based on a collaborative partnership with its stakeholders.

8 NOW, THEREFORE:

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

10 Section 1. Amend § 7909A, Title 29 of the Delaware Code by making deletions as shown by strike through and  
11 insertions as shown by underline as follows:

12 § 7909A. Division of Developmental Disabilities Services.

13 (e) The Division of Developmental Disabilities ~~Services shall be~~ Services, in consultation with the Quality  
14 Improvement Advisory Council under subsection (h) of this section, is authorized to promulgate rules and regulations rules,  
15 regulations, and administrative policies and procedures to implement this statute.

16 (g) The Division of Developmental Disabilities Services shall obtain all of the following information via its  
17 contract requirements for all service providers of day and residential services:

18 (1) Starting and average hourly wages for all direct support professionals, referred to throughout this  
19 subsection (g) of this section as "DSPs", including the starting average wages for DSPs who are designated as "shift  
20 leads".

21 (2) Turnover rates for all DSP positions, including "shift leads".

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

(h)(1) The Quality Improvement Advisory Council, referred to throughout this subsection (h) of this section as “the Advisory Council”, is established and comprised of the following 9 members:

a. One staff member of the Division of Developmental Disabilities Services, who is responsible for ensuring program quality. This member is appointed by the Secretary of the Department of Health and Social Services.

b. Four members who the Ability Network of Delaware may recommend and who represent the following provider organizations:

1. One supported employment provider. This member is appointed by the President Pro Tempore of the Senate.

2. One day habilitation provider. This member is appointed by the Minority Leader of the Senate.

3. One residential provider. This member is appointed by the Speaker of the House of Representatives.

4. One clinical nursing and behavioral analyst provider. This member is appointed by the Minority Leader of the House of Representatives.

c. Four members who the State Council for Persons with Disabilities may recommend and who must meet all of the following criteria:

1. Are advocates of individuals with developmental disabilities.

2. Are not employed by the Division of Developmental Disabilities Services or a provider organization.

3. Are appointed as follows:

A. One advocate appointed by the President Pro Tempore of the Senate.

B. One advocate appointed by the Minority Leader of the Senate.

C. One advocate appointed by the Speaker of the House of Representatives.

D. One advocate appointed by the Minority Leader of the House of Representatives.

(2) The Advisory Council shall do all of the following:

a. Work collaboratively with the Division of Developmental Disabilities Services to design and oversee systems changes intended to address the delivery of services to adults with intellectual and developmental disabilities.

b. Assist the Division of Developmental Disabilities Services to design performance measures for services to adults with intellectual and developmental disabilities.

53 c. Review and provide input into the annual report under subsection (i) of this section.

54 (3) Each Advisory Council member serves at the pleasure of the member's appointing authority.

55 (4) The Advisory Council shall elect a chair and vice chair from among its members.

56 (5) The Division of Developmental Disabilities Services shall provide reasonable staff support to assist the  
57 Advisory Council in performing its duties under this section.

58 (6) A majority of members must be present at an Advisory Council meeting in order to have quorum and  
59 conduct official business. A vacant position is not counted for quorum purposes.

60 (7) The Advisory Council shall meet at least once per month.

61 (8) The Advisory Council may establish subcommittees and adopt procedural rules to carry out its functions  
62 under this section.

63 (9) Council members receive no compensation, but may be reimbursed through the Division of  
64 Developmental Disabilities Services for actual and necessary travel expenses incurred in the performance of their  
65 official duties.

66 (i) The Division of Developmental Disabilities Services, in consultation with the Quality Improvement Advisory  
67 Council, shall submit an annual report to the General Assembly, the Secretary of the Department of Health and Social  
68 Services, and the Director and Librarian of the Division of Research of Legislative Council. The report must include all of  
69 the following:

70 (1) The number of substantiated incidents of abuse, neglect, and exploitation of adults with intellectual and  
71 developmental disabilities, detailing the types of substantiated incidents by service setting.

72 (2) Other trends, analyses, and recommendations as determined by the Division of Developmental Disabilities  
73 Services in consultation with the Quality Improvement Advisory Council.

74 (3) The information obtained under subsection (g) of this section.

75 (4) An annual synopsis of the implementation of the corrective measures process, including a discussion of  
76 provider violations, probation, appeals, and ultimate disposition.

77 Section 2. This Act takes effect on July 1, 2019.

78 Section 3. The Joint Legislative Oversight and Sunset Committee shall review the Quality Improvement  
79 Advisory Council in 2022 to determine whether it has been an effective tool for collaboration between the Division of  
80 Developmental Disabilities Services and the provider community.

#### SYNOPSIS

This Act establishes the Quality Improvement Advisory Council ("Advisory Council") to promote collaboration and problem-solving with stakeholders in the system of care administered by the Division of Developmental Disabilities

Services (“the Division”). The Division, in consultation with the Advisory Council, must submit an annual report to the General Assembly and the Department of Health and Social Services on specific performance measures affecting services to adults with intellectual and developmental disabilities.

Under this Act, the Joint Legislative Oversight and Sunset Committee will review the Advisory Council in 2022 to determine whether it has been an effective tool for collaboration between the Division of Developmental Disabilities Services and the provider community.

Author: Senator Lockman