



STATE OF DELAWARE

STATE COUNCIL FOR PERSONS WITH DISABILITIES

MEMORANDUM

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DATE: February 25, 2010

TO: Ms. Susan Del Pesco, Director
Division of Long Term Care Residents Protection

FROM: Daniese McMullin-Powell, Chairperson
State Council for Persons with Disabilities

RE: 13 DE Reg. 1009 [DLTCRP Proposed Home Health Criminal Background Check Regulation]

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Health and Social Services/Division of Long Term Care Residents Protection's (DLTCRP's) proposal to amend its regulation 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. The proposed regulation was published as 13 DE Reg. 1009 in the February 1, 2010 issue of the Register of Regulations. SCPD has the following observations and recommendation.

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.*

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our observations or recommendation on the proposed regulation.

cc: Mr. Brian Hartman, Esq.
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council