SCPD POLICY AND LAW COMMITTEE MEETING MINUTES
APRIL 13, 2016 – 1 PM
SMYRNA REST AREA - SMYRNA, DE

Members Present: Brian Hartman, DLP; Marge Turner, DSAAPD; Wendy Strauss, GACEC; Steve Perales, DSCYF/DPBHS; Jamie Wolfe, SCPD Vice-Chair; Nick Fina, SCPD; Deb Bradl, DVI; Jocelyn Langehr, DVR; Kyle Hodges, SCPD Director.

Guest: Linda Tate, DSAAPD

CALL TO ORDER

Given that Daniese McMullin-Powell, Co-Chair was not able to attend, Kyle Hodges called the meeting to order at 1:07 PM.

ADDITIONS OR DELETIONS TO THE AGENDA

Brian added HB 302 regarding fines for using electronic devices while driving, draft legislation regarding voting, and a Public Service Commission Legal Notice regarding payments for utilities. Kyle added 2 other bills.

APPROVAL OF MINUTES

Motion was made, seconded and approved to accept the minutes from the January 2016 meeting as submitted.

COMMITTEE CO-CHAIR

Kyle reported that the Committee still needs to appoint a Co-chair. Marge Turner has considered the position and will accept this role. Marge was not present at the beginning of the meeting. The Committee agreed to the appointment. Kyle will inform Daniese to finalize.

REVIEW OF REGULATIONS AND LEGISLATION

1. DOE Final New Teacher Hiring Data Reporting Reg. [19 DE Reg. 91`9 (4/1/16)] – It was agreed no further action was needed.

2. DPH Revised Final DMOST Regulation [19 DE Reg. 922 (4/1/16)] - It was agreed no further action was needed.

3. DOE Prop. Skilled & Technical Sciences Teacher Reg. [19 DE Reg. 882 (4/1/16)] – It was agreed that only GACEC would send any comments.

4. DMMA Prop. LTC Facility Personal Needs Allowance Reg. [19 DE Reg. 893 (4/1/16)] – Motion was made, seconded and approved for SCPD to send a letter consistent with Brian's memo.

5. DMMA Prop. Drug Rebate Agreement Regulation [19 DE Reg. 884 (4/1/16)] - Motion was made, seconded and approved for SCPD to send a letter consistent with Brian's

memo.

6. DMMA Prop. Medicaid LTC "Bed Hold" Payment Regulation [19 DE Reg. 888 (4/1/16)] - Motion was made, seconded and approved for SCPD to send a letter consistent with Brian's memo. The letter will also be copied to The Arc and Downs Syndrome Association in addition to those listed in the memo.

7. DMMA Prop. Medicaid Autism Spectrum Disorder Services Reg. [19 DE Reg. 898 (4/1/16)] - Motion was made, seconded and approved for SCPD to send a letter consistent with Brian's memo. Steve Perales abstained. The letter will also be copied to PIC, Autism Delaware and the regional CMS Office in addition to those listed in the memo. In addition, Kyle will follow-up with DMMA to determine how it calculated the figure in the 4th observation with a breakdown of the numbers? Kyle will also solicit the same for the federal funds?

8. S.B. No. 214 (Employment Discrimination) – Motion was made, seconded and approved for SCPD to endorse the legislation consistent with Brian's memo.

9. H.B. No. 211 (Youth Shackling) - Motion was made, seconded and approved for SCPD to endorse the legislation consistent with Brian's memo. Steve Perales abstained.

10. S.B. No. 221 (Employer Tax Credit: DVR & DVI Referrals) - Motion was made, seconded and approved for SCPD to endorse the legislation consistent with Brian's memo. The letter will also be copied to DVI and DVR.

11. S.B. No. 186 (Disabled Veteran School Tax Refund Fund) - Motion was made, seconded and approved for SCPD to endorse the legislation consistent with Brian's memo. Wendy Strauss and Jamie Wolfe abstained.

12. H.B. No. 268 (Substance Exposed Infants & Medically Fragile Children) – Motion was made, seconded and approved for SCPD to share the observations with Brian's memo. It was agreed the letter will note that, while the proposed legislation may be well-intentioned, it has drastic unintended consequences. The letter will also be copied to Autism Delaware. Steve Perales abstained.

13. H.B. No. 214 (Nurse Workplace Violence Protection) - Motion was made, seconded and approved for SCPD to share the observations with Brian's memo.

OTHER BUSINESS

HB 302 – Brian provided an article which refers to a bill that increases the penalties for the improper use of electronic communication devices while driving. The civil penalty for a first offense is increased from $50 to $100 and for subsequent offenses is increased from $200 up to $300. This may be a bill for SCPD to address.

Public Service Commission – Brian provided a Legal Notice from the Public Service Commission which addresses two public workshops regarding "good faith" efforts to

make payments for water, gas and electric utility customers. This may be another issue for SCPD to address.

Voting Bill – Brian provided draft legislation. The synopsis is as follows: In implementation of federal law, § 4943 of the Election Code was amended in 2012 to allow voters who require assistance to vote by reason of blindness, disability, or inability to read or write to be given assistance by a person of the voter's choice. However, other sections of the Code were not updated to reflect the change which could result in confusion or criminal prosecution. This bill is a housekeeping measure to conform inconsistent provisions in the Election Code. Motion was made, seconded and approved for SCPD to undertake this as an initiative.

Kyle reported on 2 bills as an "FYI" and ones that SCPD may need to monitor:

- SB 130 - This Act defines criteria for a local government to enter into an agreement with the Department of Transportation ("Department") to create transit-oriented development districts, called Complete Community Enterprise Districts ("District"), for the purposes of promoting economic development. A District may be designated in downtown or urban core areas, traditional towns or villages, or regional activity centers. A District is characterized by its mix of land uses, efficient use of public infrastructure, efficient use of public services, and multiple modes of public transportation combined with environmentally friendly private transportation.
- SB 226 - The work of the Behavioral and Mental Health Task Force indicated a greater need for psychiatric services statewide. This Act meets this need by eliminating the need for additional review by the Delaware Health Resources Board for a 90 bed psychiatric hospital in Georgetown, which previously received a certificate of public review by the Board.

ADJOURNMENT

The meeting was adjourned at 3:10 PM.

Respectfully submitted,

Kyle Hodges
SCPD Director