

**POLICY AND LAW COMMITTEE MEETING MINUTES**  
**February 13, 2020**  
**Smyrna State Service Center Conference Room, Smyrna**

**Members Present:** Daniese McMullin-Powell, Co-Chair; Gene Aucott, Easter Seals; Kathie Cherry, GACEC; Terri Hancharick, EPIC/Parent; Kristin Harvey, DDC; Stefanie Lancaster, DDC; Jocelyn Langrehr, DVR; Laura Waterland, DLP; Todd Webb, Chair/; Despina Wilson, IRI, Inc.; Kyle Hodges, Staff and Jo Singles, Support Staff.

**CALL TO ORDER**

Daniese called the meeting to order at 10:09 pm.

**ADDITIONS OR DELETIONS TO THE AGENDA**

None

**APPROVAL OF MINUTES**

The January 16, 2020 minutes were reviewed. Gene made a motion that the minutes be approved as submitted. Kristin seconded the motion. The minutes were approved as submitted, with no one abstaining or opposing.

**REVIEW OF REGULATIONS**

Laura reviewed the February, 2020 DLP Analysis (handout).

**Proposed Regulations**

1. DSS Proposed Regulations – SNAP Employment and Training, 23 Del. Register of Regulations 619 (February 1, 2020) – Laura made a motion that the SCPD ask DSS again to incorporate the requirement that it make reasonable accommodations for participants with disabilities as part of good cause determinations. Kathie seconded the motion. The motion was carried with no one opposing or abstaining.
2. DSS Proposed Regulations – Child Care Subsidy Program, 23 Del. Register of Regulations 624 (February 1, 2020) – Laura made a motion that, while presumably a parent or child with a disability would potentially be legally entitled to a reasonable modification of program rules under the Americans with Disabilities Act, the SCPD suggest that there is some provision made for the payment of more than five absences in one month in certain circumstances when the absences are directly related to a child or parent’s disability or other serious health condition. Todd seconded the motion. The motion was carried with no one opposing or abstaining.

**Proposed Legislation**

1. SB 202 – An Act to Amend Title 6 and Title 21 of the Delaware Code Related to Equal Accommodations in Parking – Laura made a motion that the SCPD support the proposed bill

but ask for clarification on whether permit holders have to pay the charge at metered parking spaces. SCPD should also clarify the goal of the Title 6 amendments. If the intent of the amendment to the Equal Accommodation law is to prohibit public accommodations from refusing to install accessible spaces, the language needs to be rewritten. Footnotes from the DLP Analysis will be included in the comments submitted. Kristin seconded the motion. The motion was approved with no one opposing or abstaining. Kyle will send comments to Senator Delcollo and ask to meet with him to discuss accessible parking and the Delaware Human Relations Commission.

2. SB 204 – Public School Start After Labor Day – Laura made a motion that SCPD should examine what research, if any, was considered by the School Start Task Force to determine that this change will positively impact student learning. SCPD should ask for clarification based on these concerns. Todd seconded the motion. The motion was carried with no one opposing or abstaining. Gene spoke about consequential impacts. Laura stated that we should ask about the impact on low-income students and students with disabilities. Examples include nutrition, child care, learning loss, cuts into summer and loss of productivity.
3. HB 263 - Bill to Cap Out of Pocket Cost for Insulin and Require Inclusion on Formularies – Laura made a motion that endorse the proposed legislation since this is a laudable attempt by the legislature to help keep the cost of prescriptions down. Untreated diabetes can lead to a myriad of health complications and disabling conditions. Kathie seconded the motion. The motion was carried with no one opposing or abstaining. The fifth paragraph on page 5 about deductible will be removed when comments are submitted.
4. HB 265 - Tax Exemptions for Veterans – Laura made a motion that the SCPD endorse the proposed legislation since it is an admirable attempt by the legislature to help some severely disabled veterans, but recommend that the bill be amended to include an exemption for the surviving spouse of the disabled veteran. The motion was carried with one person abstaining and no one opposing. There was discussion about existing county exemptions for persons with disabilities and those over 65.

### Final Regulations

1. DOE Final Regulation on Family Educational Rights and Privacy Act (FERPA), 23 Del. Register of Regulations 645 (February 1, 2020) – Laura made a motion to send a thank you letter for adopting SCPD’s amendments. DOE corrected the zip code and noted that the complaints section is in 4.1. DOE agreed to place the language regarding complaints in bold type to make it more prominent. Kathie seconded the motion. Motion was carried with no one opposing or abstaining.
2. DOE Final Regulations – English Language Learners, 23 Del. Register of Regulations 653 (February 1, 2020) – No further action taken.
3. DMMA Final Regulations – Medicaid Sate Plan Drug Utilization Review, 23 Del. Register of Regulations 657 (February 1, 2020) – No further action taken.

4. DMMA Final Regulation of Medicaid/CHIP Accountable Care Organizations, 23 Del. Register of Regulations 659 (February 1, 2020) – No further action taken.
5. DPH Final Regulation Regarding Medical Marijuana, 23 Del. Register of Regulations 667 (February 1, 2020) – No further action taken.

Kyle thanked Laura for reviewing final regulations because it helps us with our annual report. He added that when important comments are being ignored by specific agencies, we need to keep following up or go a step further. Laura stated that there is federal guidance about the entire program needing to be accessible. She will send the federal guidance to Kyle so he can include it in an attachment. Laura noted that DLP will be hammering this issue as well.

HB. 286 – Laura sent information to Kyle. Kyle will forward a link from Kaiser to the sponsor of the legislation.

Laura stated that DLP analysis on DOE regs 617 and 618 and HS1 for 238 and SB 203 are forthcoming for GACEC.

### **Legislative Updates**

Kyle spoke about the letter CLASI sent on behalf of them and SCPD re: Notice of Proposed Rulemaking on Rules Regarding the Frequency and Notice of Continuing Disability Reviews, 84 Fed. Reg. 36588 (November 18, 2019) (handout). He said that if anyone had questions or comments after reviewing the letter to contact Laura or him. Laura noted that many comments have been filed on this rule. She added that it will be months before a response is given by the feds.

House Concurrent Resolution 69 regarding a plan for streaming audio/video at Legislative Hall. SCPD had sent a letter asking that the streaming is accessible for persons with disabilities. He has not received a response yet. He will send again if no response is received. The letter asked that the working group should include SCPD Chair Todd and the State ADA Coordinator.

Public Meeting Law – Nick Fina is working with Senator Hansen and Delcollo on a similar bill. They are willing to work with us. Senator Poore is leaning toward our bill. The other bill does not cover remote access. Terri stated that our bill has one amendment. Kyle will follow-up and request a copy. Daniese suggested having a workshop with them so they can experience different examples of how it works. Kyle commented that we do not need to do it for them, but need to do it with our Council. Kyle noted that we do not want to say what technology works and leave it up to the individual groups to decide what works for them. Kristin commented to let her know when it is introduced so that DDC is there in support of the legislation.

Laura asked how we get legislators to include SCPD, GACEC and DDC in these discussions. Kyle said that we need to get a meeting with Senator Delcollo regarding an accessible parking bill.

Laura spoke about the Post-Acute Guardian Task Force meeting she recently attended. Laura sent Kyle her case notes a couple of days ago. This dovetails with the issue of people kept in a facility for a long period of time. Christiana Care is advocating for a quick guardianship process

for emergency room admissions where people are abandoned at the hospital and get them into nursing homes. Kyle commented about having ADRC (Aging and Disability Resource Center) present at a future meeting. The hospital social workers do not seem to know and are not doing their job. The intent is to get people out of the hospital and put them in nursing home. Laura commented that the State system is very difficult to navigate. Kristin said that people are going home and do not have supports or equipment in place. Despina asked about the Long Term Care Waiver Program and getting support services. Gene commented that people are confused with Lifespan and the Long Term Care Waiver. His group worked with Despina headed by Linda Heller on ADRC deficiencies and the ability to connect people. He passed around a business card with the following information: United US. The contact information is: Michela Ferrari, MPH, Community Engagement Manager; 646-799-5529; uniteus.com. He said that Christiana Care purchased a software program, which is a data base of vendors and services. They are able to choose from different vendors and can track the information. Kristin spoke about the various State data bases, which do not talk to each other and leads to a lot of duplication of effort, time and money. Terri spoke about a reception she recently attended at the University of Delaware. There are Management Information Systems where students designed a data base for EPIC. SCPD is on the top of the list for this service. Kyle said that the students will be looking at all the problems with accessible parking, including data and pictures. Once completed, this will be presented to the legislators. Kristin suggested contacting the News Journal regarding deficiencies found by this group.

Todd spoke about the 30<sup>th</sup> Anniversary of the ADA and have monthly highlights on the essence of the ADA. Focus could be on transportation, health equity, and program accessibility. Kristin spoke about the State buildings not being accessible and gave several examples.

Laura spoke again about the guardianship issue and said that we need to be prepared to respond to a bill that comes out of this. Daniese added that with guardianship, keep in mind guardian can refuse treatment.

Todd asked if the Council comments on the budget. Kyle said that Laura presents on behalf of GACEC and DDC at the JFC Hearings, but anyone else can speak. Todd spoke about SCPD's mandate regarding the State policies and procedures. He said that this could be an opportunity to ask what funding sources are in place for the State of Delaware in addressing Title II requirements. We frequently hear about the lack of physical and program access. Kyle said there is no pot of money. Todd spoke about what the SCPD can do. Kyle said he would bring this up later and did not want to make decisions here. He spoke about electrical vehicles and electrical charging stations, but there is a requirement that they be accessible. Gene commented lobby, lobby, lobby to legislators. Gene spoke about the McNesby Act. Legislators have conflicts and have a #1 priority. Todd said that there should be a standard in place.

Daniese stated that JFC is coming up. She asked if the SCPD has come to a consensus on what to push for in the hearings. With Medicaid Block Grants coming, this means less flexibility and losing programs. DSHA housing usually gets \$3M to SRAP and will now be getting \$4M, which is project based. She asked what that means. She said that when they talk about the cost of accommodation, they are talking about the cost of our presence in society. Daniese spoke about being on the Victims Rights Task Force. They are talking about taking one shelter in Sussex County and making it accessible. They came up with the term "soft" accommodations. She cannot find that term anywhere. Jacki (DLP) and she are working to change the attitude.

There is no on-call emergency accessible vehicle for transporting women in domestic violence situations.

Daniese commented that we need to push them rather than let them ask what we want. Kyle encouraged Daniese to bring this up at the Full Council meeting and tell us what you want us to do. Laura added that they typically speedread to the JFC or emphasize a few things. She said to let us know what to include. Todd said we could have multiple people addressing issues. Kristin said that education is important and that DDC is ready to go. She suggested having an education team with legislators. Kristin added that we need to let our Full Council understand. Kyle said a definite plan on what is needed. The SCPD should be determining us. We should be getting input and facilitate what the SCPD wants. Daniese said that we need someone at JFC. Todd said we need to have individuals testify and do it constructively. Kristin said that DDC is getting ready to do a five-year plan and these ideas would be great to bring up. Laura said that you need real stories at JFC, for example, the impact of dental care and a person stuck out in the rain because they cannot get into a building. We need to start recruiting people for next year. Terri said we need different people, not the same ones speaking. Terri commented that the parking bill may not be what we want, but it is a start and opens the door to conversation. We can move on from there. Kyle will send Bill Payne's phone number to Laura. JFC begins Monday. Jocelyn said that a State building query needs to be done. Kristin said that videos about inaccessible parking would be helpful. She said the State should set the standard.

#### **OTHER BUSINESS**

None

#### **ANNOUNCEMENTS**

None

#### **PUBLIC COMMENT**

None

#### **ADJOURNMENT**

The meeting adjourned at 11:58 am.

Respectfully submitted,

Jo Singles  
Support Staff  
policy & law/min 2-13-20