

## DELAWARE

### Overview

The Department of Health and Social Services (DHSS) establishes standards for the regulation of adult day care (ADC) facilities and grants licenses for such facilities to persons, associations, or organizations that have been approved in accordance with the state's regulations for ADC facilities. The regulations apply to any program that provides health, social, and related support services as described in the regulations for four or more functionally impaired adults who reside in the community and are in need of these services as determined by a pre-admission assessment.

The state covers medical and social ADC under its Medicaid 1915(c) Elderly and Disabled (E&D) waiver program. The program requires providers to agree to all terms and conditions listed in the Delaware Medical Assistance Program contract and the policies and procedures listed in the E&D waiver program provider-specific policy manual. In addition, the Division of Services for Aging and Adults with Physical Disabilities operates one adult day center, New Horizon, which is located in the Delaware Hospital for the Chronically Ill.

ADC programs are also funded through the following public funding sources: Older Americans Act, Social Services Block Grant, and Medicaid Managed Long-Term Care. All Medicaid ADC programs are funded through two managed care organizations.

### Definitions

**Adult day care** is defined as a therapeutic program for four or more community-living adults with functional and/or cognitive impairments provided in a protective non-residential setting whose needs cannot be appropriately met in other settings such as sheltered workshops, supported employment, or unsupervised senior centers. Such adults are not capable of full-time independent living but with certain activities can become more self-sufficient in the community. Services are provided to adults for a period of less than 12 hours during the day and are provided in a setting other than a participant's home or the residence of the facility operator.

### Parameters for Who Can Be Served

The ADC facility may admit only those individuals whose needs it can meet. No participant may be discharged from an ADC facility except for the following reasons: the program can no longer meet the participant's needs; medical reasons; non-participation

in the care plan or non-compliance with the written admission agreement; or the participant's or other participants' welfare.

To be eligible for ADC in a Medicaid waiver program, individuals must meet the state's nursing home level of care criteria. To be eligible for ADC--called adult day services (ADS)--through a non-Medicaid program administered by the Division of Services for Aging and Adults with Physical Disabilities, individuals must: (1) be able to benefit from the program; (2) be unable to be left alone at home; (3) live with a caregiver who either works outside the home or needs temporary relief from caregiving; and (4) must be assessed as requiring intermediate care (i.e., needing assistance with activities of daily living [ADLs] and/or assistance with prescribed medications).

Individuals receiving ADS through Older Americans Act Title III funding must be 60 years of age or older; individuals receiving ADS through the Social Services Block Grant, must be 18 years of age or older.

## Inspection and Monitoring

Every licensed ADC facility must be periodically inspected by a representative of DHSS at least once every 3 years.

## Required and Optional Services

All ADC programs furnish socialization, social activities, nutrition services, and supervision to ensure safety. They also monitor participants' health and functioning at a basic level to determine if the program can continue to meet participants' health and functional needs. The table below lists additional required and optional services.

| Required and Optional Services                            | Adult Day Care |          |
|---|----------------|----------|
|   | Required       | Optional |
| ADL Assistance  | X              |          |
| Health Education and Counseling                           |                |          |
| Health Monitoring/Health-Related Services                 | X              |          |
| Medication Administration                                 | X              |          |
| Nursing Services  |                | X        |
| Physical Therapy, Occupational Therapy, or Speech Therapy |                | X        |
| Skilled Nursing Services                                  |                | X        |
| Social Services   | X              |          |
| Transportation  |                | X        |

## Medication Provisions

Medications may be self-administered or administered in accordance with all state and federal laws, including the State of Delaware Nurse Practice Act. Those participants who, upon admission, are incapable of self-administration or who become incapable of

self-administration must have their medications administered according to the provisions of the Nurse Practice Act. Medication must not be administered to a participant unless prescribed by a licensed practitioner with independent prescriptive authority as provided by Delaware Code.

## Staffing Requirements

### **Adult Day Care**

**Type of Staff.** There must be an *activities coordinator* who will plan group activities for all participants and personalized options for individuals with varying interests and needs.

The *director/administrator* or designee responsible for the management of the ADC program must be present and in charge during all hours that participants are on the premises. There must be at least one *registered nurse* or *licensed practical nurse* on the premises at all times when participants are present for those facilities serving participants requiring nursing services.

There must be at least one employee certified in cardiovascular pulmonary resuscitation on the premises at all times when participants are present.

**Staffing Ratios.** There must be at least two ADC facility staff on duty at all times when participants are present. If a facility has separate physical areas in which ADC is provided, each area must be treated as independent for meeting staffing requirements. The minimum staffing requirements must not include volunteers or employees who have not yet completed the required orientation program.

For facilities with more than 16 participants, there must be a minimum of one adult staff person on duty for each eight participants. Facilities may not use rounding in determining staffing requirements (i.e., for 17-24 participants at least three staff members would be required, for 25-32 participants at least four staff members, and so on). As the number or dysfunction of participants with functional and cognitive impairments increases, the staff-to-participant ratio must be adjusted accordingly to meet their needs.

Programs serving mainly participants with severe cognitive or physical disabilities must have a staff-to-participant ratio of at least 1:4 for all severely disabled participants.

## Training Requirements

Prior to assuming job responsibilities, all personnel must receive training in fire safety; first-aid; emergency procedures; infection control; and special needs of the

elderly and persons with cognitive or other disabilities, including the specific needs of the participants being served.

Aide orientation and training must include at least 40 hours of instruction and supervised practicum and address the following topics: (1) the aide's role as a member of the ADC team; (2) personal care services; (3) principles of good nutrition; (4) the process of growth, development, and aging; (5) principles of infection control; (6) observation, reporting, and documentation of participant status; (7) maintaining a clean, safe, and healthy environment; (8) maintaining a least restrictive environment; (9) verbal/non-verbal communication skills; and (10) principles of body mechanics.

Ongoing staff development is required to maintain and improve the skills of the ADC team and should include: (1) the needs of the elderly and persons with disabilities; (2) assisting participants to achieve maximum self-reliance through re-learning and modifying ADLs; (3) physical restraint and the use of less restrictive alternatives; (4) maintaining an environment that encourages morale building and self-help; (5) review of participant care policies and procedures; (6) prevention and control of infection; (7) confidentiality of participant information; and (8) the rights of participants.

Personnel who are primarily responsible for the direct care of participants must attend at least 12 hours annually of staff development activities, which must consist of in-service training programs, workshops, or conferences related to ADC or the specific needs of participants.

An ADC facility that provides direct health care services to persons diagnosed as having Alzheimer's disease or other forms of dementia must provide dementia-specific training annually to health care providers (other than physicians) who must participate in continuing education. Mandatory training must include: communicating with persons diagnosed as having Alzheimer's disease or other forms of dementia; the psychological, social, and physical needs of these persons; and safety measures which need to be taken with these persons.

## **Location of Licensing, Certification, or Other Requirements**

*State of Delaware Regulations for Adult Day Care Facilities.* Department of Health and Social Services. [February 3, 2014]

<http://regulations.delaware.gov/register/april2002/proposed/5%20DE%20Reg%201879%2004-01-02.htm>

*Delaware Administrative Code, Title 16, Health and Social Services: Regulations for Adult Day Care Facilities.* Department of Health and Social Services.

<http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Public%20Health/Health%20Systems%20Protection%20%28HSP%29/4402.pdf>

*Elderly and Disabled Waiver Provider Specific Policy Manual*, Delaware Health and Social Services, Division of Medicaid and Medical Assistance. [April 16, 2012]  
[http://www.dmap.state.de.us/downloads/manuals/elderly\\_disabled\\_waiver\\_provider\\_specific.pdf](http://www.dmap.state.de.us/downloads/manuals/elderly_disabled_waiver_provider_specific.pdf)

Service Specification, Social Services Block Grant Adult Day Services. Delaware Health and Social Services [April 26, 2009]  
[http://dhss.delaware.gov/dsaapd/files/adult\\_day.pdf](http://dhss.delaware.gov/dsaapd/files/adult_day.pdf)

Final Health Systems Protections Order to add provisions to require certain persons to receive dementia-specific training. Delaware Department of Health and Social Services, Division of Public Health. [August 11, 2011]  
<http://regulations.delaware.gov/register/august2011/final/15%20DE%20Reg%20220%2008-01-11.pdf>

## Information Sources

Tom Barlow  
Vice President for Senior Services  
Easter Seals Delaware

Frank Jones  
Department of Health and Social Services  
Division of Services for Aging and Adults with Physical Disabilities

# REGULATORY REVIEW OF ADULT DAY SERVICES: FINAL REPORT, 2014 EDITION

## Files Available for This Report

### FULL REPORT

Executive Summary <http://aspe.hhs.gov/daltcp/reports/2014/adultday14es.cfm>  
HTML <http://aspe.hhs.gov/daltcp/reports/2014/adultday14.cfm>  
PDF <http://aspe.hhs.gov/daltcp/reports/2014/adultday14.pdf>

### SEPARATE STATE PROFILES

[**NOTE:** These profiles are available in the full HTML and PDF versions, as well as each state available as a separate PDF listed below.]

|                      |   |
|----------------------|---|
| Alabama              | <a href="http://aspe.hhs.gov/daltcp/reports/2014/adultday14-AL.pdf">http://aspe.hhs.gov/daltcp/reports/2014/adultday14-AL.pdf</a> |
| Alaska               | <a href="http://aspe.hhs.gov/daltcp/reports/2014/adultday14-AK.pdf">http://aspe.hhs.gov/daltcp/reports/2014/adultday14-AK.pdf</a> |
| Arizona              | <a href="http://aspe.hhs.gov/daltcp/reports/2014/adultday14-AZ.pdf">http://aspe.hhs.gov/daltcp/reports/2014/adultday14-AZ.pdf</a> |
| Arkansas             | <a href="http://aspe.hhs.gov/daltcp/reports/2014/adultday14-AR.pdf">http://aspe.hhs.gov/daltcp/reports/2014/adultday14-AR.pdf</a> |
| California           | <a href="http://aspe.hhs.gov/daltcp/reports/2014/adultday14-CA.pdf">http://aspe.hhs.gov/daltcp/reports/2014/adultday14-CA.pdf</a> |
| Colorado             | <a href="http://aspe.hhs.gov/daltcp/reports/2014/adultday14-CO.pdf">http://aspe.hhs.gov/daltcp/reports/2014/adultday14-CO.pdf</a> |
| Connecticut          | <a href="http://aspe.hhs.gov/daltcp/reports/2014/adultday14-CT.pdf">http://aspe.hhs.gov/daltcp/reports/2014/adultday14-CT.pdf</a> |
| Delaware             | <a href="http://aspe.hhs.gov/daltcp/reports/2014/adultday14-DE.pdf">http://aspe.hhs.gov/daltcp/reports/2014/adultday14-DE.pdf</a> |
| District of Columbia | <a href="http://aspe.hhs.gov/daltcp/reports/2014/adultday14-DC.pdf">http://aspe.hhs.gov/daltcp/reports/2014/adultday14-DC.pdf</a> |
| Florida              | <a href="http://aspe.hhs.gov/daltcp/reports/2014/adultday14-FL.pdf">http://aspe.hhs.gov/daltcp/reports/2014/adultday14-FL.pdf</a> |
| Georgia              | <a href="http://aspe.hhs.gov/daltcp/reports/2014/adultday14-GA.pdf">http://aspe.hhs.gov/daltcp/reports/2014/adultday14-GA.pdf</a> |
| Hawaii               | <a href="http://aspe.hhs.gov/daltcp/reports/2014/adultday14-HI.pdf">http://aspe.hhs.gov/daltcp/reports/2014/adultday14-HI.pdf</a> |
| Idaho                | <a href="http://aspe.hhs.gov/daltcp/reports/2014/adultday14-ID.pdf">http://aspe.hhs.gov/daltcp/reports/2014/adultday14-ID.pdf</a> |
| Illinois             | <a href="http://aspe.hhs.gov/daltcp/reports/2014/adultday14-IL.pdf">http://aspe.hhs.gov/daltcp/reports/2014/adultday14-IL.pdf</a> |
| Indiana              | <a href="http://aspe.hhs.gov/daltcp/reports/2014/adultday14-IN.pdf">http://aspe.hhs.gov/daltcp/reports/2014/adultday14-IN.pdf</a> |
| Iowa                 | <a href="http://aspe.hhs.gov/daltcp/reports/2014/adultday14-IA.pdf">http://aspe.hhs.gov/daltcp/reports/2014/adultday14-IA.pdf</a> |
| Kansas               | <a href="http://aspe.hhs.gov/daltcp/reports/2014/adultday14-KS.pdf">http://aspe.hhs.gov/daltcp/reports/2014/adultday14-KS.pdf</a> |
| Kentucky             | <a href="http://aspe.hhs.gov/daltcp/reports/2014/adultday14-KY.pdf">http://aspe.hhs.gov/daltcp/reports/2014/adultday14-KY.pdf</a> |
| Louisiana            | <a href="http://aspe.hhs.gov/daltcp/reports/2014/adultday14-LA.pdf">http://aspe.hhs.gov/daltcp/reports/2014/adultday14-LA.pdf</a> |

|                |   |
|----------------|---|
| Maine          | <a href="http://aspe.hhs.gov/daltcp/reports/2014/adultday14-ME.pdf">http://aspe.hhs.gov/daltcp/reports/2014/adultday14-ME.pdf</a> |
| Maryland       | <a href="http://aspe.hhs.gov/daltcp/reports/2014/adultday14-MD.pdf">http://aspe.hhs.gov/daltcp/reports/2014/adultday14-MD.pdf</a> |
| Massachusetts  | <a href="http://aspe.hhs.gov/daltcp/reports/2014/adultday14-MA.pdf">http://aspe.hhs.gov/daltcp/reports/2014/adultday14-MA.pdf</a> |
| Michigan       | <a href="http://aspe.hhs.gov/daltcp/reports/2014/adultday14-MI.pdf">http://aspe.hhs.gov/daltcp/reports/2014/adultday14-MI.pdf</a> |
| Minnesota      | <a href="http://aspe.hhs.gov/daltcp/reports/2014/adultday14-MN.pdf">http://aspe.hhs.gov/daltcp/reports/2014/adultday14-MN.pdf</a> |
| Mississippi    | <a href="http://aspe.hhs.gov/daltcp/reports/2014/adultday14-MS.pdf">http://aspe.hhs.gov/daltcp/reports/2014/adultday14-MS.pdf</a> |
| Missouri       | <a href="http://aspe.hhs.gov/daltcp/reports/2014/adultday14-MO.pdf">http://aspe.hhs.gov/daltcp/reports/2014/adultday14-MO.pdf</a> |
| Montana        | <a href="http://aspe.hhs.gov/daltcp/reports/2014/adultday14-MT.pdf">http://aspe.hhs.gov/daltcp/reports/2014/adultday14-MT.pdf</a> |
| Nebraska       | <a href="http://aspe.hhs.gov/daltcp/reports/2014/adultday14-NE.pdf">http://aspe.hhs.gov/daltcp/reports/2014/adultday14-NE.pdf</a> |
| Nevada         | <a href="http://aspe.hhs.gov/daltcp/reports/2014/adultday14-NV.pdf">http://aspe.hhs.gov/daltcp/reports/2014/adultday14-NV.pdf</a> |
| New Hampshire  | <a href="http://aspe.hhs.gov/daltcp/reports/2014/adultday14-NH.pdf">http://aspe.hhs.gov/daltcp/reports/2014/adultday14-NH.pdf</a> |
| New Jersey     | <a href="http://aspe.hhs.gov/daltcp/reports/2014/adultday14-NJ.pdf">http://aspe.hhs.gov/daltcp/reports/2014/adultday14-NJ.pdf</a> |
| New Mexico     | <a href="http://aspe.hhs.gov/daltcp/reports/2014/adultday14-NM.pdf">http://aspe.hhs.gov/daltcp/reports/2014/adultday14-NM.pdf</a> |
| New York       | <a href="http://aspe.hhs.gov/daltcp/reports/2014/adultday14-NY.pdf">http://aspe.hhs.gov/daltcp/reports/2014/adultday14-NY.pdf</a> |
| North Carolina | <a href="http://aspe.hhs.gov/daltcp/reports/2014/adultday14-NC.pdf">http://aspe.hhs.gov/daltcp/reports/2014/adultday14-NC.pdf</a> |
| North Dakota   | <a href="http://aspe.hhs.gov/daltcp/reports/2014/adultday14-ND.pdf">http://aspe.hhs.gov/daltcp/reports/2014/adultday14-ND.pdf</a> |
| Ohio           | <a href="http://aspe.hhs.gov/daltcp/reports/2014/adultday14-OH.pdf">http://aspe.hhs.gov/daltcp/reports/2014/adultday14-OH.pdf</a> |
| Oklahoma       | <a href="http://aspe.hhs.gov/daltcp/reports/2014/adultday14-OK.pdf">http://aspe.hhs.gov/daltcp/reports/2014/adultday14-OK.pdf</a> |
| Oregon         | <a href="http://aspe.hhs.gov/daltcp/reports/2014/adultday14-OR.pdf">http://aspe.hhs.gov/daltcp/reports/2014/adultday14-OR.pdf</a> |
| Pennsylvania   | <a href="http://aspe.hhs.gov/daltcp/reports/2014/adultday14-PA.pdf">http://aspe.hhs.gov/daltcp/reports/2014/adultday14-PA.pdf</a> |
| Rhode Island   | <a href="http://aspe.hhs.gov/daltcp/reports/2014/adultday14-RI.pdf">http://aspe.hhs.gov/daltcp/reports/2014/adultday14-RI.pdf</a> |
| South Carolina | <a href="http://aspe.hhs.gov/daltcp/reports/2014/adultday14-SC.pdf">http://aspe.hhs.gov/daltcp/reports/2014/adultday14-SC.pdf</a> |
| South Dakota   | <a href="http://aspe.hhs.gov/daltcp/reports/2014/adultday14-SD.pdf">http://aspe.hhs.gov/daltcp/reports/2014/adultday14-SD.pdf</a> |
| Tennessee      | <a href="http://aspe.hhs.gov/daltcp/reports/2014/adultday14-TN.pdf">http://aspe.hhs.gov/daltcp/reports/2014/adultday14-TN.pdf</a> |
| Texas          | <a href="http://aspe.hhs.gov/daltcp/reports/2014/adultday14-TX.pdf">http://aspe.hhs.gov/daltcp/reports/2014/adultday14-TX.pdf</a> |
| Utah           | <a href="http://aspe.hhs.gov/daltcp/reports/2014/adultday14-UT.pdf">http://aspe.hhs.gov/daltcp/reports/2014/adultday14-UT.pdf</a> |
| Vermont        | <a href="http://aspe.hhs.gov/daltcp/reports/2014/adultday14-VT.pdf">http://aspe.hhs.gov/daltcp/reports/2014/adultday14-VT.pdf</a> |
| Virginia       | <a href="http://aspe.hhs.gov/daltcp/reports/2014/adultday14-VA.pdf">http://aspe.hhs.gov/daltcp/reports/2014/adultday14-VA.pdf</a> |
| Washington     | <a href="http://aspe.hhs.gov/daltcp/reports/2014/adultday14-WA.pdf">http://aspe.hhs.gov/daltcp/reports/2014/adultday14-WA.pdf</a> |
| West Virginia  | <a href="http://aspe.hhs.gov/daltcp/reports/2014/adultday14-WV.pdf">http://aspe.hhs.gov/daltcp/reports/2014/adultday14-WV.pdf</a> |
| Wisconsin      | <a href="http://aspe.hhs.gov/daltcp/reports/2014/adultday14-WI.pdf">http://aspe.hhs.gov/daltcp/reports/2014/adultday14-WI.pdf</a> |
| Wyoming        | <a href="http://aspe.hhs.gov/daltcp/reports/2014/adultday14-WY.pdf">http://aspe.hhs.gov/daltcp/reports/2014/adultday14-WY.pdf</a> |