

DELAWARE

Overview			
<p>The Department of Health and Social Services (DHSS) establishes standards for regulation in the operation of adult day care facilities and grants licenses for the operation of such facilities to persons, associations, or organizations that have been approved in accordance with the <i>State of Delaware Regulations for Adult Day Care Facilities</i> and which pay the appropriate fee. The state covers medical and social day care in its Elderly and Disabled waiver program. The waiver program requires providers to agree to all terms and conditions listed in the Delaware Medical Assistance Program (DMAP) contract and the policies and procedures listed in the <i>Elderly and Disabled Waiver Provider Specific Policy Manual</i>.</p>			
Licensure and Certification Requirements			
Licensure Only <input checked="" type="checkbox"/>	Certification Only <input type="checkbox"/>	Both Required <input type="checkbox"/>	Other <input type="checkbox"/>
Definitions			
<p>Adult day care facility refers to any program that provides health, social, and related support services for four or more functionally impaired adults who reside in the community and are in need of these services as determined by a preadmission assessment. These 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.</p>			
Parameters for Who Can Be Served			
<p>The adult day care facility shall admit only those individuals whose need can be met by the facility. No participant shall be discharged from an adult day care facility except for the following: the participant's needs can no longer be met by the program of care, medical reasons, nonparticipation in the plan of care or noncompliance with the written admission agreement, or the participant's own welfare or the welfare of the other participants.</p>			
Inspection and Monitoring			
Yes <input checked="" type="checkbox"/>		No <input type="checkbox"/>	
<p>Every adult day care facility for which a license has been issued shall be periodically inspected by a representative of DHSS. Regular inspections shall occur at least once every 3 years.</p>			

Required and Optional Services		
	Adult Day Care	
	Required	Optional
Activities of Daily Living (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
Provisions Regarding Medications		
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 shall have their medications administered according to the Nurse Practice Act. Medication shall not be administered to a participant unless prescribed by a licensed practitioner with independent prescriptive authority as provided by Delaware Code.		
Provisions for Groups with Special Needs		
Dementia <input type="checkbox"/>	Mental Retardation/ Developmental Disabilities <input type="checkbox"/>	Other <input checked="" type="checkbox"/> participants with severe cognitive or physical disabilities
Staffing Requirements		
<p>Type of staff. There shall be an <i>activities coordinator</i> who will plan group activities for all participants and personalized options for individuals with varying interests and needs. The <i>director/administrator</i> or designee responsible for the management of the adult day care program shall be present and in charge during all hours that participants are on the premises. There shall be at least one <i>registered nurse (RN)</i> or <i>licensed practical nurse (LPN)</i> on the premises at all times when participants are present for those facilities serving participants requiring nursing services. There shall be at least one employee on the premises at all times when participants are present who is certified in cardiovascular pulmonary resuscitation (CPR).</p> <p>Staffing ratios. There shall be at least two adult day care facility staff on duty at all times when participants are present. If separate sections are established within each facility, each separate section shall independently comply with the staffing requirements of this section. The minimum staffing requirements shall not include volunteers or employees who have not yet completed the required orientation program.</p> <p>For facilities with more than 16 participants, there shall 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, etc.). As the number or dysfunction of participants with functional and cognitive impairments increases, the staff-to-participant ratio shall be adjusted accordingly to meet the needs of the participants.</p>		

Programs serving mainly participants with severe cognitive or physical disabilities shall have a staff-to-participant ratio of at least one-to-four for all severely disabled participants.

Training Requirements

Prior to assuming job responsibilities, all personnel shall 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 adult day care 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/nonverbal communication skills; and (10) principles of body mechanics.

Ongoing staff development is required to maintain and improve the skills of the adult day care team and should include: (1) the needs of the elderly and persons with disabilities, (2) assisting participants to achieve maximum self-reliance through relearning and modifying activities of daily living, (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 the participants shall attend at least 12 hours annually of staff development activities, which shall consist of in-service training programs, workshops, or conferences related to adult day care or specific needs of participants.

Relevant Medicaid Contracting Requirements for Adult Day Services Providers

The Elderly and Disabled waiver program covers medical and social day care that are provided during the day in a day care center near to where an individual lives. The staff there provide meals and snacks, services, supervision and recreational and/or medical therapy.

The waiver program requires providers to agree to all terms and conditions listed in the DMAP contract and the policies and procedures listed in the *Elderly and Disabled Waiver Provider Specific Policy Manual*. We were not able to identify medical and social day care definitions in the manual. The manual states that DMAP will not have control or supervision of the details of the tasks to be performed, but will have authority to exercise general direction.

Location of Licensing, Certification, or Other Requirements

1. <http://www.state.de.us/dhss/dph/hsp/files/adcfacregs0702.txt>
2. <http://www.dmap.state.de.us/downloads/manuals/elderly.disabled.waiver.provider.specific.pdf>

Citations

1. *State of Delaware Regulations for Adult Day Care Facilities* (Title 16 Health and Safety Part I Chapter 1, Subchapter II, Section 122(3).s.1. (Sections 68.0 through 68.15)). Powers and Duties of the Department of Health and Social Services. [Effective July 2002]
2. *Elderly and Disabled Waiver Provider Specific Policy Manual*, Delaware Medical Assistance Program. [Revised July 2002]

REGULATORY REVIEW OF ADULT DAY SERVICES: Final Report

PDF Files Available for This Report

Cover, Table of Contents, Acknowledgments and Introduction

<http://aspe.hhs.gov/daltcp/reports/adultday.pdf>

SECTION 1. Overview of Adult Day Services Regulations

<http://aspe.hhs.gov/daltcp/reports/adultday1.pdf>

SECTION 2. State Regulatory Profiles

<http://aspe.hhs.gov/daltcp/reports/adultday2.pdf>

Each state can also be viewed separately at:

Alabama <http://aspe.hhs.gov/daltcp/reports/adultdayAL.pdf>

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