



**Delaware Health
and Social Services**

Office of the Secretary

1901 N. DUPONT HIGHWAY, NEW CASTLE, DE 19720 * TELEPHONE: 302-255-9040 FAX: 302-255-4429

March 20, 2025

Mr. Scott Logan
Social Security Administration
Office of Income Security Programs
Keys Section
2518 Robert M. Ball Building
6401 Security Boulevard
Baltimore, MD 21235

Dear Mr. Logan:

Please accept this letter as the annual certification of the State of Delaware's compliance with the Keys Amendment (Section 1616(e) of the Social Security Act; 45 CFR Part 1937) and the regulations enacted pursuant thereto.

The State of Delaware has designated the Department of Health & Social Services (DHSS), the Department of Services for Children, Youth and Their Families (DSCYF), and the Department of Education (DOE), with authority over the development, administration, and enforcement of standards for the licensure of the health care facilities and homes referenced below and attached to this correspondence. As required by the Amendment, the State creates statutes and regulations, conducts statewide inspections, writes appropriate reports, and takes enforcement actions as necessary. The covered providers include skilled and intermediate care nursing facilities, nursing homes admitting pediatric residents, rest residential homes, assisted living facilities, family care homes, group homes for persons with mental illness, group homes for persons with AIDS, neighborhood homes for persons with developmental disabilities, intensive behavioral support and educational residences, residential childcare facilities, and day treatment programs. This list encompasses residential care facilities in which a significant number of SSI and/or SSDI recipients may reside.

We are pleased to report that DHSS, DSCYF, and DOE certify that the State of Delaware and the applicable facilities are in compliance with the Keys Amendment. DHSS, DSCYF, and DOE strive to improve and ensure that SSA recipients live in safe and healthy environments and remain an integral part of our community.

Mr. Scott Logan

March 20, 2025

Page 2 of 2

Thank you for the opportunity to provide this feedback. Should you have any questions or concerns, please feel free to contact Corinna Getchell, Director of Division of Health Care Quality, at (302) 421-7426, or at Corinna.Getchell@delaware.gov.

Sincerely,

Signed by:

Josette D. Manning, Esquire

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Josette D. Manning, Esq.

Cabinet Secretary

Department of Health and Social Services

Signed by:

Steven E. Yeatman

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Steven E. Yeatman

Cabinet Secretary

Department of Services for Children, Youth
and Their Families

Signed by:

Cindy Marten

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Cynthia Marten

Cabinet Secretary

Department of Education

Enclosure

JDM/skb

ATTACHMENT STANDARDS FOR SSI RESIDENTIAL FACILITIES

Because of concern in Congress that Supplemental Security Income (SSI) funds might be utilized in support of substandard facilities, an Amendment to Public Law 94-566 (Keys Amendment) requires that States establish and enforce standards for facilities where a significant number of SSI recipients reside or are likely to reside.

Enforcement Procedures

Enforcement procedures include periodic inspection of facilities; provision of technical assistance; and use of a warning system to provide deficient facilities a chance to comply and for residents to move out if the facilities fail to do so. In Delaware, these facilities have been treated as four groups, which are described below.

Group I - Skilled and Intermediate Care Nursing Facilities

Skilled and Intermediate Care Nursing Facilities regulations provide standards appropriate to the needs of residents who, in accordance with a physician's orders, need medical services and care requiring the competence of a registered professional nurse. The regulations cover the licensing requirements and procedures and include the following:

- A. Scope
- B. Definitions
- C. General Requirements
- D. Licensing Requirements and Procedures
- E. Personnel/Administrative
- F. Services to Residents
 - a. General Services
 - b. Medical Services
 - c. Nursing Administration
 - d. Social Services
 - e. Food Service
 - f. Housekeeping and Laundry Services
 - g. Pharmacy Services
 - h. Medications
 - i. Communicable Diseases
 - j. Infection Control
 - k. Specific Requirements for COVID-19
- G. Plant, Equipment and Physical Environment
- H. Emergency Preparedness
- I. Records and Reports
- J. Facility Closure
- K. Waivers and Severability

Copies of the regulations can be found at: [3201 Skilled and Intermediate Care Nursing Facilities](#)

Nursing Homes Admitting Pediatric Residents

Regulations for nursing homes admitting pediatric residents cover licensing requirements and procedures and include the following:

- A. Purpose
- B. Authority and Applicability
- C. Definitions
- D. General Requirements
- E. Facility Requirements
- F. Medical Services
- G. Therapy Services
- H. Nutritional Services
- I. Nursing Services
- J. Educational Services
- K. Family Services
- L. Emergency Preparedness

- M. Miscellaneous Services
- N. Resuscitation Orders
- O. Waivers
- P. Severability
- Q. Infection Prevention and Control Program

Copies of the regulations are available at: [3210 Nursing Homes Admitting Pediatric Residents](#)

Group II - Rest Residential Homes, Assisted Living Agencies and Family Care Homes

Rest (Residential) Homes (4 or more residents) - Regulations include standards appropriate to the needs of persons who are normally able to manage activities of daily living but require some personal care services to ensure their safety, comfort, nutritional needs, and well-being. These regulations are based on the common needs of the residents and minimal health standards. These regulations include the following:

1. Scope
2. Definitions
3. General Requirements
4. Licensing Requirements and Procedures
5. Plant, Equipment and Physical Environment
 - a. Site Provisions
 - b. Water Supply and Sewage Disposal
 - c. Building
 - d. Plumbing
 - e. Heating
 - f. Lighting
 - g. Safety Equipment
 - h. Bedrooms
 - i. Bathrooms
 - j. Dayroom and Dining Area
 - k. Kitchen and Food Storage Areas
 - l. Sanitation and Housekeeping
 - m. Equipment and Supplies
6. Emergency Preparedness
7. Personnel/Administrative
 - a. Administration
 - b. Nursing Services
 - c. Personnel Policies and Procedures
 - d. Communicable Disease
 - e. Bathroom Facilities
 - f. Storage
8. Services to Residents
 - a. Medication Management
 - b. Food Service
9. Communicable Disease - This section was revised in February 1989 to allow for the care of residents with communicable diseases in this type of setting. The revision also sets forth immunization requirements for residents, i.e. flu shots.
10. Records and Reports
 - a. Admission
 - b. History and Physical
 - c. Medication Inventory
 - d. Accident Reports
 - e. Discharge Records
 - f. Transfer Forms
 - g. Record Availability
 - h. Record Retention
 - i. Incident Reports
 - j. Reportable Incidents
 - k. Policies and Procedures
11. Facility Closure
12. Severability

Copies of these regulations are available at: [3230 Rest \(Residential\) Home Regulations](#)

Assisted Living Facilities

Regulations covering Assisted Living Agencies provide a comprehensive community-based residential long term care continuum that provides the necessary level of services to a dependent elderly person or persons with disabilities in the appropriate environment. These regulations are to promote and ensure the health, safety, and well-being of all residents of assisted living facilities. These regulations are also meant to ensure that service providers will be accountable to their residents and the Department and to differentiate assisted living care from skilled nursing care. The essential nature of assisted living is to offer living arrangements to medically stable persons who do not require skilled nursing services and supervision. The regulations establish the minimal acceptable level of services for residents of assisted living facilities. These regulations include the following:

- A. Purpose
- B. Authority and Applicability
- C. Glossary of Terms
- D. Licensing Requirements and Procedures
- E. General Requirements
- F. Resident Waivers
- G. Specialized Care for Memory Impairment
- H. Medication Management
- I. Infection Control
- J. Contracts
- K. Resident Assessment
- L. Services
- M. Service Agreements
- N. Resident Rights
- O. Quality Assurance
- P. Staffing
- Q. Environment and Physical Plant
- R. Emergency Preparedness
- S. Records and Reports
- T. Waivers and Severability

Copies of the regulations are available at: [3225 Assisted Living Facilities](#)

Family Care Homes (3 or less residents) - These regulations are developed and promulgated to promote and ensure the health, safety, and well-being of all residents of Family Care Homes. These regulations also ensure that Family Care Homes will be responsible and accountable to their residents. The regulations establish the minimal acceptable level of services for residents of Family Care Homes. These regulations include the following:

- A. Purpose
- B. Definitions
- C. Licensing Requirements and Procedures
- D. General Requirements
- E. Environment
 - 1. Site Provisions
 - 2. Physical Plant
 - 3. Water Supply and Sewage Disposal
 - 4. Electric
 - 5. Lighting
 - 6. Safety Equipment
 - 7. Resident Bedrooms
 - 8. Bedroom Furnishings
 - 9. Bathrooms
 - 10. Kitchen
 - 11. Dining and Dayroom Area
 - 12. Sanitation and Housekeeping
 - 13. Laundry
- E. Fire Safety
- F. Resident Services
 - 1. Healthcare

- 2. Medications
- 3. Communicable Disease
- 4. Food Service
- G. Resident Rights
- H. Records and Reports
- I. Disciplinary Actions
- J. Infection Prevention and Control Program
- K. Severability

Copies of the regulations can be found at: [3315 Family Care Homes](#)

Group III – Group and Neighborhood Homes

Group Homes for Persons with Mental Illness

The standards are designed specifically for Group Homes with 10 or less mentally ill residents, which are licensed by the Division of Health Care Quality. The standards address the minimum acceptable level of living and programmatic conditions for persons with mental illness in such facilities. These regulations include the following:

- A. Purpose
- B. Authority and Applicability
- C. Definitions
- D. Licensing by the Department
- E. Policies and Procedures Manual
- F. Admission and Discharge
- G. Care, Treatment and Quality Assurance
- H. Records
- I. General Health Care
- J. Medications
- K. Resident Rights and Responsibilities
- L. Physical Facility Standards
- M. Health and Sanitation
- N. Safety
- O. Infection Prevention and Control Program
- P. Noncompliance
- Q. Waiver of Standards
- R. Severability

Copies of the regulations can be found at: [3305 Group Homes for Persons with Mental Illness](#)

Group Home for Persons with AIDS

The regulations are designed specifically for Group Homes for 16 or less persons with AIDS and establish the minimal acceptable level of living and programmatic conditions in such homes. Only those residents shall be admitted with an established diagnosis and disease progression such that the resident requires a routine and frequent combination of physician, professional nursing, and supportive services. Provisions shall be made for the transfer and/or discharge of residents when acute care (hospital) services are required or requested.

These regulations include the following:

- A. Definition
- B. Glossary of Terms
- C. Licensing Requirements and Procedures
- D. General Requirements
- E. Plant, Equipment and Physical Environment
- F. Fire Safety
- G. Personnel/Administrative
- H. Services to Residents
 - a. Group Home Services
 - b. Medical and Nursing Services
 - c. Infection Control
 - d. Medications

- e. Food Services
- f. Nutrition Services
- g. Records and Reports
- I. Waiver of Standards
 - Appendix A Notifiable Diseases
 - Appendix B Drug Resistant Organisms to be Reported

Copies of the regulations can be found at: [3301 Group Home Facilities for Persons with AIDS](#)

Neighborhood Homes for Persons with Developmental Disabilities

The following regulations are designed specifically for Neighborhood Homes, for five or fewer individuals with developmental disabilities, which are licensed by the Division of Health Care Quality. These homes are distinct from Rest (Family care) Homes where three or fewer persons live in a home with care and supervision provided by persons who also reside on the premises. These regulations include the following:

- A. Purpose
- B. Definitions
- C. Licensing and General Requirements
- D. Policies and Procedures
- E. Environment
- F. Records and Reports
- G. Emergencies and Disasters
- H. Individual Rights
- I. Individual Services
- J. Personnel
- K. Infection Prevention and Control Program
- L. Severability

Copies of the regulations can be found at: [3310 Neighborhood Homes for Individuals with Intellectual and/or Developmental Disabilities](#)

Intensive Behavioral Support and Educational Residence

The following regulations are designed specifically for Intensive Behavior Support and Educational Residences (IBSER) which means a residential dwelling for no more than ten residents which provides services to residents 18 years and over with autism and/or intellectual/developmental disabilities and who also have specialized behavioral needs. These homes offer 24 hour supports to residents with intellectual/developmental disabilities with specialized behavioral needs. The regulations cover licensing requirements and procedures and include the following:

- A. Definitions
- B. Licensing and General Requirement
- C. Policies and Procedures
- D. Environment
 - 1. Site Provisions
 - 2. Physical Plant
 - 3. Water Supply and Sewage Disposal
 - 4. Safety Equipment
 - 5. Bedrooms
 - 6. Bathrooms
 - 7. Kitchen
 - 8. Dining and dayroom area
 - 9. Sanitation and housekeeping
 - 10. Laundry
 - 11. Furniture
 - 12. Heating
 - 13. Basement
- E. Records and Reports
- F. Emergencies and Disasters Preparedness
- G. Resident Rights
- H. Resident Services
- I. Personnel

- J. Infection Prevention and Control Program
- K. Severability

Copies of the regulations can be found at: [3320 Intensive Behavioral Support and Educational Residence](#)

Group IV - Boarding Homes and All Institutions and Organizations for Children

Residential Child Care Facilities and Day Treatment Programs

The Office of Child Care Licensing, Department of Education as authorized in the Delaware Code, Title 14, Chapter 30A (also known as “The Delaware Child Care Act”) in partnership with the Department of Services for Children, Youth and Their Families, adopted and promulgated regulations for residential childcare facilities and day treatment programs. The Office of Child Care Licensing maintains and ensures enforcement of the standards established in the regulations.

The regulations govern admission policies, safety, sanitation and protection of civil rights and specifically include the following:

- 1.0 Legal Basis
- 2.0 Purpose
- 3.0 Definition of Terms
- 4.0 Definition of Regulated Services
- 5.0 Authority to Inspect
- 6.0 License Requirements
- 7.0 Procedures for Initial Licensure
- 8.0 License Renewal
- 9.0 Changes Affecting a License
- 10.0 Relocation of a Facility or Program
- 11.0 Regulation Variance
- 12.0 Complaints
- 13.0 Enforcement Actions
- 14.0 Notification
- 15.0 Insurance Coverage
- 16.0 Description of Services
- 17.0 Policies and Procedures
- 18.0 General Qualifications and Background Checks
- 19.0 Staff Qualifications
- 20.0 Administrative Oversight and Staffing
- 21.0 Personnel and Volunteer Files
- 22.0 Contracted Licensed Professionals Files
- 23.0 Training
- 24.0 Allegations of Abuse or Neglect against a Staff Member
- 25.0 Children's Admission
- 26.0 Service Plan
- 27.0 Children's Health Appraisals
- 28.0 Education Requirements
- 29.0 On-Site School Requirements
- 30.0 Religion and Culture
- 31.0 General Safety
- 32.0 Heating and Cooling
- 33.0 Air Quality and Windows
- 34.0 Hazardous Materials
- 35.0 Smoking, Vaping, Illegal Drugs, and Alcohol
- 36.0 Outdoor Area
- 37.0 Kitchen and Food Preparation
- 38.0 Water, Food, and Nutrition
- 39.0 Administration of Medication
- 40.0 Hand Washing
- 41.0 Standard Precautions
- 42.0 Sanitation
- 43.0 Child Injury or Medical Event
- 44.0 Emergency Plan

45.0 First Aid Kits
46.0 Transportation
47.0 Swimming
48.0 Pets
49.0 Policies and Procedures for Residential Child Care Facilities
50.0 Staffing and Staff-to-Child Ratio for Residential Child Care Facilities
51.0 Children's Rights for Residential Child Care Facilities
52.0 Children's Health for Residential Child Care Facilities
53.0 Physical Environment for Residential Child Care Facilities
54.0 Discharge and Aftercare Plans for Residential Child Care Facilities
55.0 Admission for Alternative to Detention Facilities
56.0 Staffing and Staff-to-Child Ratios for Alternative to Detention Facilities
57.0 Exemptions for Alternative to Detention Facilities
58.0 Staff Qualifications for Drug and Alcohol Treatment Facilities
59.0 Activity Plan for Drug and Alcohol Treatment Facilities
60.0 Admission for Independent Living Facilities
61.0 Service Plan for Independent Living Facilities
62.0 Program for Independent Living Facilities
63.0 Activity Schedule for Independent Living Facilities
64.0 Staffing for Independent Living Facilities
65.0 Exemptions for Independent Living Facilities
66.0 Staffing and Staff-to-Child Ratios for Parenting Adolescent Facility
67.0 Service Plan for Parenting Adolescent Facilities
68.0 Adoption Counseling Services for Parenting Adolescent Facilities
69.0 Stimulation of Young Children for Parenting Adolescent Facility
70.0 Children's Health for Parenting Adolescent Facilities
71.0 Medical Care for Children of Parenting Adolescents
72.0 Diapering for Parenting Adolescent Facilities
73.0 Toys and Equipment for Parenting Adolescent Facilities
74.0 Physical Environment for Parenting Adolescent Facilities
75.0 Discharge and Aftercare Plans for Parenting Adolescent Facilities
76.0 Exemptions for Parenting Adolescent Facilities
77.0 Children's Health for Shelter Care Facilities
78.0 Duration of Placement for Shelter Care Facilities
79.0 Exemptions for Shelter Care Facilities
80.0 Policies and Procedures for Wilderness Adventure Facilities
81.0 Safety and Risk Management Committee for Wilderness Adventure Facilities
82.0 Staff Qualifications and Staff-to-Child Ratios for Wilderness Adventure Facilities
83.0 Away-From-Campus Adventure Activities for Wilderness Adventure Facilities
84.0 Equipment for Wilderness Adventure Facilities
85.0 Aquatic Procedures for Wilderness Adventure Facilities
86.0 Watercraft Activities for Wilderness Adventure Facilities
87.0 Activities and Sleep Equipment for Day Treatment Programs
88.0 Indoor Space for Day Treatment Programs
89.0 Toilet Facilities for Day Treatment Programs
90.0 Staffing and Staff-to-Child Ratios for Day Treatment Programs
91.0 Day Treatment Agreement for Day Treatment Programs
92.0 Release of Children for Day Treatment Programs
93.0 Restrictive Procedures
Appendix I: Initial Application
Appendix II: Relocation Renewal Application
Appendix III: Variance

Copies of the regulations can be found at: [935 DELACARE: Regulations for Residential Child Care Facilities and Day Treatment Programs](#)