



**Governor's Advisory Council for Exceptional Citizens (GACEC) 516 West Loockerman St.,
Dover, DE 19904
302-739-4553 (voice) 302-739-6126 (fax) <http://www.gacec.delaware.gov>**

MEMORANDUM

DATE: March 7, 2014
TO: The Honorable Members of the Delaware General Assembly
FROM: Terri Hancharick, Chairperson
GACEC
RE: **House Substitute 1 for House Bill No. 218 (Prescription Pick-up)**

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed House Substitute 1 for House Bill No. 218. The original version of this legislation was introduced on June 30, 2013. As a result of concerns noted by the Delaware Department of Health and Social Services (DHSS) and the Councils, a substitute bill was introduced on January 29 which adopts a simpler and more flexible approach to safeguards in receiving prescriptions. The GACEC would like to share the following observations on the proposed legislation.

First, the substitute bill is a major improvement over the original version in that it authorizes ultimate users to restrict receipt of prescription drugs on their behalf without imposing categorical restrictions which could result in hardship to individuals with disabilities.

Second, Council notes that the Department of State may not be as well acquainted with aspects of the regulations which could affect the elderly or individuals with disabilities (e.g. guardian authority; residential licensing standards) as DHSS. Therefore, the reference could be changed to "the Department of State, in consultation with the Department of Health and Social Services, shall promulgate..." For similar approaches in the Delaware Code, see Title 5 Del.C. §929(c) and 14 Del.C. §303(b).

Third, Section 2, which contains the regulatory authorization, should be incorporated into amended §4739 so it appears in the Code. Compare House Bill No. 129. For example, Section 2 could be deleted and a new subsection (f) added at line 17 to read as follows: "The Department of State, in consultation with the Department of Health and Social Services, shall promulgate such rules, regulations, and standards as are necessary to implement subsection (e) of this section."

Thank you for your time and consideration of our observations. Please feel free to contact me or Wendy Strauss should you have questions or concerns.

CC: The Honorable Rita Landgraf, DHSS
Jeanne Nutter, AARP