

2016 State Autism Profiles DELAWARE

DEMOGRAPHICS

In 2000, 325 or 1.94% of children ages 3-21 who received special education services in Delaware have autism. In 2014-2015, 1,441 or 7.25% of children with disabilities ages 3-21 who received special education services have autism.

Table 1-1: IDEA Part B - Children with Autism in Delaware for 2000-2001 and 2014-2015
(Child Count by Age Group)

	2000-2001	2014-2015
Age 3-5	62	198
Age 6-21	263	1,243
Age 3-21	325	1,441

Source: Reported by the State of Delaware in accordance with Section 618 of IDEA to U.S. Department of Education, Office of Special Education Programs

Table 1-2: IDEA Part B - Children with Disabilities in Delaware for 2000-2001 and 2014-2015
(Child Count by Age Group)

	2000-2001	2014-2015
Age 3-5	1,652	2,050
Age 6-11	7,622	8,530
Age 12-17	6,847	8,255
Age 18-21	639	1,054
Age 6-21	15,108	17,839
Age 3-21	16,760	19,889

Source: Reported by the State of Delaware in accordance with Section 618 of IDEA to U.S. Department of Education, Office of Special Education Programs

STATE TASK FORCE

Delaware Autism Adults Service Needs Task Force

In July 2006, the Delaware House of Representatives passed H.R. 89 to form an 11-member task force to consider services for adults with autism. The duties of the taskforce included clarifying the state’s definition of autism and estimating the number of adults in Delaware with autism. The task force also identified what services the state needed by comparing services in other states. The committee was comprised of state legislators, representatives from state agencies, professionals with an interest in autism, and parents of a child with autism. Kent Riegel served as the chair. The task force released a copy of its report – “Delaware Legislative Task Force Report on Adults with Autism Spectrum Disorders” – on June 23, 2008.

[http://legis.delaware.gov/LIS/TaskForces.nsf/59da77da7c06f47485256ff6006f8346/c491ae16f86b1906852571a3006cdfa5/\\$FILE/HR%2089%20FINAL%20REPORT%206-23-08.doc](http://legis.delaware.gov/LIS/TaskForces.nsf/59da77da7c06f47485256ff6006f8346/c491ae16f86b1906852571a3006cdfa5/$FILE/HR%2089%20FINAL%20REPORT%206-23-08.doc)

S.B. 93 was introduced in 2015 to establish an Interagency Committee on Autism and the Delaware Network for Excellence in Autism (Network). The Interagency Committee is charged with using evidence-based practices to improve outcomes for people living with ASD and related developmental disabilities. The Interagency Committee would also be charged with implementing the recommendations outlined in the 2013 “Blueprint for Collective Action: Final Report of the Delaware Strategic Plan to Improve Services and Supports for Individuals with Autism Spectrum Disorder” developed by Autism Delaware, the University of Delaware’s Center for Disabilities Studies (CDS), and Delaware’s Department of Education. The Network would provide a resource for training and technical assistance for Delaware state agencies, organizations and other private

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entities that provide services and support to individuals with autism and support the operations of the Interagency Committee. S.B. 93 passed out of the Senate Education Committee on June 3, 2015. No further action was taken.

<http://legis.delaware.gov/legislature.nsf/FSMain?OpenFrameset&Frame=right&src=/LIS/lis148.nsf/home>

https://www.udel.edu/cds/Autism_Final_Report.pdf

STATE INSURANCE COVERAGE

On August 13, 2012, Delaware became the 32nd state to enact autism insurance legislation. S.B. 22 requires health plans to cover diagnosis and treatment of autism spectrum disorders for individuals ages 21 and younger. Covered services include diagnosis, behavioral health treatments, pharmacy, psychiatric, psychological, therapeutic care (including speech, occupational, or physical therapy) and care for individuals with autism spectrum disorders that is determined by the Secretary of the Department of Health and Social Services, based upon their review of best practices and/or evidence-based research, to be medically necessary. Coverage for applied behavior analysis (ABA) would be subject to a maximum of \$36,000 per year, per person, though there is no cap for other services. The law requires that the Insurance Commissioner shall, on or before April 1 of each calendar year, publish in the Delaware Register of Regulations adjustments to the maximum benefit equal to the changes in the United States Department of Labor Consumer Price Index for all Urban Consumers. (*Del. Code title 18, § 3366*)

<http://legiscan.com/DE/text/SB22/id/657466>

In 2009, Governor Jack Markell signed S.B. 65 into law, requiring dental insurance coverage for children with severe disabilities irrespective of “in-network” restrictions. To qualify, a child must be under the age of 21 and certified by their treating physician, advanced practice nurse, or licensed psychologist as “severely disabled,” meaning that due to physical or mental illness or disease, he or she requires specialized treatment or supports to secure effective access to dental care. Insurers must cover care for specialized dental treatment irrespective of lack of contractual or network status in the same amount they would for the same or similar practitioners within their network or geographical area. The law specifically mentions children with autism spectrum disorders as potential beneficiaries. (*Del. Code title 18, § 3358*)

ESSENTIAL HEALTH BENEFITS

Delaware has an autism insurance mandate, however within its benchmark plan there is no mention of autism services or applied behavior analysis (ABA). As of now, it appears that ABA is being offered in the Delaware exchanges. The state Department of Health and Social Services released the brief “Guidance on Essential Health Benefits” which states that “the State essentially guarantees that no insurance mandate fall outside of the EHB package.” Delaware’s exchange is being run by the federal government.

(Blue Cross Blue Shield of Delaware; Simply Blue EPO)

MEDICAID

Delaware Research and Demonstration Projects Waivers: Delaware Diamond State Health Plan

This waiver, implemented on January 1, 1996, mandatorily enrolls most Medicaid recipients into managed care organizations (MCOs) to create efficiencies in the Medicaid program and enable

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the expansion of coverage to certain individuals who would otherwise not be eligible for Medicaid. The demonstration expands Medicaid State plan coverage to uninsured adults below 100 percent of the FPL and family planning services to women who lose Medicaid eligibility or comprehensive DSHP benefits. The demonstration also provides long-term care services and support (LTSS) to eligible individuals through a mandated managed care delivery system, entitled DSHP-Plus. This waiver is in effect through December 31, 2018. Delaware is currently seeking an amendment to this waiver to add behavioral health to the managed care system.

Delaware Home and Community-Based Services Waiver: DE Renewal DDDS

Implemented on July 1, 2009, Delaware offers a home and community-based services waiver for individuals with autism, intellectual disability, and developmental disabilities ages 4 years and older. This waiver, which expires on June 30, 2019, provides case management, day habilitation, prevocational services, residential habilitation, supported employment, clinical services/behavioral consultative services, and transportation-residential services.

http://www.medicaid.gov/medicaid-chip-program-information/by-topics/waivers/waivers_faceted.html

EDUCATION

Delaware Autism Program

The Delaware Autism Program has service sites in each of the state's three counties. The program offers comprehensive educational services for students with autism. Students are eligible to receive services from the time that they are identified until age 21. The program includes residential services, respite services, a twelve month school year, and community based support. A Statewide Director provides direction, training, and technical assistance within the DAP. (*Delaware Code Title 14§1332*)

In 2015, legislation was introduced to expand available supports for children with autism by updating the Delaware Autism Program to reflect current practices in special education, especially regarding inclusive education in local schools. SB 92 revise the DAP toward a system where the Statewide Director would work in collaboration with a team of experts (1 per every 100 students) to provide technical assistance and training to districts and educational entities. Lastly, the legislation adds Parent Advisory Committee. The legislation was reported out of the Senate Education Committee on June 3, 2015. This bill was passed by the Senate on April 14, 2016. <http://legis.delaware.gov/legislature.nsf/FSMMain?OpenFrameset&Frame=right&src=/LIS/lis148.nsf/home>

OTHER STATE RESOURCES

Autism Surveillance and Registration

Under Title 16, the Delaware Department of Health and Social Services is required to maintain a registry to document the diagnosis, treatment of autism for children under the age of 18. Any licensed health care provider who makes a diagnosis or treats a child with autism is required to provide the appropriate information to the Delaware DHSS. (*16 DE Code §221-226*)

STATE LEGISLATIVE CALENDAR

The Delaware General Assembly meets in regular session annually the second Tuesday in January. The 2016 Session convened on January 12, 2016 and is expecting adjournment on July

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1, 2016. The 2017 session is expected to convene on January 10, 2017 and last through June 2017.

<http://legis.delaware.gov/>

Sponsors of Autism Legislation

Sen. Margaret Rose Henry (D-Wilmington East)
District 2

Rep. S. Quinton Johnson (D-Middletown) District 8

Sen. Catherine Cloutier (R-Heatherbrook) District 5

Sen. Bethany A. Hall-Long (D-Glasgow) District 10