

Health Related Legislation Passed by the 141st Delaware General Assembly

Senate Bill Number	Description
<u>SB 4 with SA 1</u>	Prohibits persons from ignoring the expressed desire of an organ donor to give the "gift of life" to persons awaiting transplants.
<u>SB 5 with SA 1</u>	Requires agencies, who employ individuals to provide caregiver services at the homes of individuals in the State , to conduct criminal history background checks on those they employ or certify in such manner.
<u>SB 46</u>	Exempts TV sets leased to patients in hospitals from Delaware's use tax .
<u>SS 1 to SB 53</u>	Creates the Office of Women's Health , sets its responsibilities, and establishes an advisory committee on women's health issues to assist in advising the Administrator.
<u>SB 99 With SA 1, SA 4, HA 12 & HA 19</u>	Updates the Delaware Clean Indoor Air Act to restrict exposure to smoking and second hand smoke by prohibiting smoking in any enclosed area to which the general public is invited and includes any area within 20 feet of any entrance or exit to such restricted areas.
<u>SB 115 With SA 1 & SA 2</u>	Permits the Child Death Review Commission to investigate stillbirths occurring after 27 weeks of gestational age. This act also provides that the Commission shall have authority to delegate certain duties and authority to its staff members.
<u>SB 122</u>	Establishes the position of Deputy Secretary of Health and Social Services , codifying current practice. The bill allows the Deputy Secretary to serve as Acting Secretary in the Secretary's absence.
<u>SB 135 With SA 5</u>	Amends Senate Bill 115 of the 140th General Assembly, also known as " Eagle's Law ", by correcting certain typographical and numbering errors, by clarifying certain definitions in the minimum nursing home staffing bill, by further defining the duties of the Nursing Home Residents' Quality Assurance Commission , and by further clarifying which nursing home employees may be counted toward the minimum staffing requirements.

Senate Bill Number	Description
<u>SB 137 with SA 1&2</u>	Defines an elderly person as being one of the age 62 or older for all purposes in Title 11. The Act also adds "infirm adults" and "disabled persons" to those receiving greater protection under certain statutes by subjecting those convicted of stealing from such victims to enhanced penalties.
<u>SB 144 with SA 2</u>	Changes the name of the Division of Mental Retardation to the Division of Developmental Disabilities Services , identifies the mission of the Division and the scope of services provided and addresses other issues.
<u>SB 181 with SA 1</u>	"Patient's Bill of Rights" - Ensure that persons covered under health insurance policies receive the right to (a) appropriate referrals, (b) necessary prescription drugs, (c) speedy internal appeals of adverse decisions, (d) appropriate emergency room care, and (e) benefits for clinical trials.
<u>SB 223 With SA 1</u>	Adds a member to the Delaware Health Care Commission , increasing total membership to 11 as is consistent with other State boards and commissions.
<u>SS 1 to SB 240</u>	<p>Implements the Joint Sunset Committee 1995 recommendations for the Board of Dentistry and Dental Hygiene. The Sunset Committee found that statutory language is seriously outdated and in need of rewriting. Among other provisions, the Act would refer to 'license' throughout; would strike the mandate that Secretary-Treasurer of the Board attest to applicant's 'moral character'; would strike citizenship requirement for licensure; would strike Corps of Oral Hygienists, which is no longer active.</p> <p>The subchapters have been rewritten, reorganized, and updated to reflect the responsibilities of the Director of the Division of Professional Regulation regarding fees and complaints; outdated language has been stricken; grounds for discipline, disciplinary sanctions, and hearing procedures have been standardized. The statute would be gender neutral.</p>
<u>SS 1 to SB 273 With SA 2, SA 3, & HA 1</u>	Provide for the safe containment of petroleum and other regulated substances in aboveground storage tanks having a capacity of 12,499 gallons and above. Tanks with a capacity of 40,000 gallons or greater containing heating oil are regulated. It mandates the Department of Natural Resources and Environmental Control to develop regulations to address the type of vessels used for aboveground containment, and the maintenance, inspection, upgrade, and closure of such vessels, along with regulations for the cleanup of spills or releases to the environment. The bill also provides for the enforcement of these provisions.

Senate Bill Number	Description
<u>SB 305</u>	Extends the sunset date of the Certificate of Public Review program through June 30, 2005.
<u>SB 321</u>	Requires person holding mental health professional license in the State of Delaware to show proof of membership in a national mental health specialty certifying organization before renewing their licenses.
<u>SB 341 with SA 2</u>	<p>This Bill makes several technical revisions to the Patient's Bill of Rights:</p> <ul style="list-style-type: none"> • Clarifies that a non-network provider may not balance bill the insured. • Ensures that volunteer fire companies are not affected by the Patient's Bill of Rights. • Clarifies that insurance plans which do not already cover over-the-counter medications are not required to do so by the Patient's Bill of Rights. • Revises the allowable response time to inquiries by insureds to conform to existing state standards. • Ensures that treatment under standing referrals is not expanded beyond the purpose for which the referral was initially made. • Delays the effective date for the Patients Bill of Rights until July 1, 2002.
<u>SB 342</u>	Removes the sunset provision from the 1998 legislation that established insurance coverage for serious mental illness .
<u>SB 356</u>	Adjusts the definition of "practice of practical nursing" and provides the Board of Nursing more flexibility in defining dispensing activities.
<u>SB 368 With SA 1</u>	Provides flexibility for some nursing homes that may have difficulty meeting the minimum staffing ratios of Eagle's Law due to the particular circumstances of their facilities. At the same time, the legislation preserves the minimum shift ratios, thereby ensuring minimum staffing on all shifts as well as a balance between licensed and unlicensed staff on each shift. The bill also allows a licensed practical nurses with 3 years experience to provide clinical training with the supervision of a registered nurse. The bill otherwise maintains current training requirements for nursing staff.

Senate Bill Number	Description
<u>SB 372 With SA 1</u>	Extends the reporting deadline for caregivers who are required by statute to report to the cancer registry . Implements a recommendation of the Advisory Council on Cancer Incidence and Mortality to provide the State with information about the location and job environments of cancer patients, which will allow the State to undertake more targeted studies to determine whether particular environmental sources are contributing to the State's high cancer incidence rate. Creates enforcement mechanisms for the State to use with respect to entities that do not comply with the requirements of the cancer registry.
<u>SB 384</u>	Brings Delaware's Title IV-D child support program into compliance with federal mandates. It requires the Division of Child Support Enforcement to issue the National Medical Support Notice in cases the Division enforces and in which a parent has been ordered by the Family Court to provide employment-related health insurance for a child. The National Medical Support Notice is required in all states. It is intended to assure that children are covered on a parent's employment-related health insurance as quickly as possible.
<u>SB 385 With SA 1</u>	Creates a procedure by which the Child Death Review Commission will perform expedited reviews of all children who die by abuse and/or neglect. The expedited review is to provide meaningful, prompt, systemwide recommendations in an effort to prevent future deaths and to improve services to children.
<u>SCR 5 with HA 1</u>	Establishes a task force with the responsibility of reviewing the current pre-authorization forms and procedures used by insurance companies and recommending to the General Assembly uniform pre-authorization forms and procedures.
<u>SJR 2</u>	Establishes the Delaware Advisory Committee on Cancer Incidence and Mortality .
<u>SJR 4 with HA 1</u>	Establishes The Year 2001 as " The Year of Treatment " and creates the Treatment Task Force to study the availability of substance abuse treatment programs in Delaware and make recommendations to improve the quality and quantity of such programs as indicated.
<u>SJR 12</u>	Extends the date for report from the Substance Abuse Treatment Task Force (established under <u>SJR 4</u>) from January 15, 2002 until March 27, 2002.

House Bill Number	Description
<u>HB 8</u>	Removes offensive language to describe people with mental illness and delete a prohibition against voting by paupers from Delaware Code.
<u>HB 25</u>	Moves the administration of the Delaware Institute for Dental Education and Research (DIDER) into the Delaware Health Care Commission and expands the membership and duties of DIDER to allow it to help the state meet its dental health care needs. The state dental director is added as an ex-officio member of DIDER.
<u>HB 30 with HA 1</u>	Authorizes DHSS to establish a program for Delaware residents with severe disabilities living in the community to provide assistance in several core contexts, including feeding, bathing, personal hygiene, and mobility.
<u>HB 43 with HA 1</u>	Amends Delaware Code by eliminating or replacing offensive language used to describe people with mental illness , and fully removes restrictions on driver's licenses for persons with mental illness in favor of DMV's existing authority to restrict licenses for anyone with a mental or physical condition that makes them unsafe to operate a vehicle.
<u>HB 93 With HA 1, & HA 1 to HA 1</u>	Provides that a physician may not charge a fee for the transfer of the medical records of a patient to a new physician.
<u>HB 100 with HA 3</u>	Adds alcoholism and substance abuse treatment to the list of mental health services coverage in parity for medical care.
<u>HB 120 with HA 1, HA 2, and HA 3</u>	Provides immunity to a parent who leaves (abandons) a baby not more than fourteen (14) days old to a volunteer or an employee at a hospital emergency department.
<u>HB 158</u>	Requires an employer to notify employees of the worker's compensation act and to benefits they are entitled to if they are injured on the job.
<u>HB 171</u>	Makes a technical correction to the Code by clarifying that a " Pap Smear " is not the appropriate health screening mechanism to detect endometrial cancer.
<u>HB 175 with HA 1</u>	Amends Delaware's offensive touching statute to include that the striking of a person with saliva or other bodily fluids is a criminal act . It also adopts the language of other similar provisions of the code which provide for mandatory testing of a defendant who commits such an offense.
<u>HB 191 with SA 1</u>	Provides confidentiality for the Delaware Emergency Medical Services Oversight Council (DEMSOC) quality review proceedings, records and participants.

House Bill Number	Description
<u>HB 204 with HA 1</u>	Requires that certain breast reconstructive procedures be covered by group and individual health insurance plans in conjunction with mastectomy procedures.
<u>HB 211 with HA 1</u>	Adds the Paramedic Commander of the Delaware State Police Aviation Unit as a member of the Delaware Emergency Medical Services Oversight Council , expands membership in council and makes other operational changes.
<u>HB 241</u>	Requires criminal background checks for ambulance attendants, emergency medical technicians, and paramedics , identifies crimes that will prohibit certification, and establishes a procedure for acquiring and handling criminal history records that is consistent with State and Federal policies and regulations.
<u>HB 278 with SA 1</u>	Gives a registered nurse the authority to make a pronouncement of death for a patient with a "do not resuscitate" order and would give registered nurses the authority to make a pronouncement of death in a licensed, free-standing assisted living community regardless of its association with a skilled nursing facility.
<u>HB 322</u>	Decreases from two years to one year the post-doctoral degree experience required to obtain a Delaware psychologist license .
<u>HS 1 to HB 377 with HA 2, HA 3, HA 4, HA 5, SA 1, SA2 & HA 7</u>	Clarifies the Government's emergency authority during public health emergencies with specifically enumerate procedures that would be used during a public health emergency to exercise those powers
<u>HB 382 with HA 1</u>	Under current law, doctors and nurses who volunteer in non-profit medical clinics may not be sued for damages arising out of their actions or omissions at the clinic. This Act extends the protection to dentists and dental hygienists who volunteer their services at a non-profit clinic.
<u>HB 383</u>	Changes the current payment system for criminal background checks for new ambulance attendants, emergency medical technicians, and paramedics . Pursuant to this Act, the State Fire Prevention Commission shall pay the State Bureau of Identification for all criminal background checks for EMT-B applicants and applicants who are denied certification shall reimburse the Commission for those expenses. Likewise, any applicant who is not denied certification, but who is also not a volunteer with a volunteer fire, rescue, or ambulance association shall reimburse the Commission for those expenses.

House Bill Number	Description
<u>HB 421 With HA 1</u>	Clarifies the definition and role of the medical control physician in the statewide paramedic system . It also extends temporary paramedic certifications from 60 days to 90 days and clarifies the process and procedures related to the conduct of disciplinary actions against paramedic certification. Finally, this legislation changes (from March 15 to April 15 of each year) the date by which DEMSOC must submit a report to the Governor, the General Assembly, interested parties and the public outlining and evaluating the performance of all EMS agencies and the costs associated with Delaware's EMS medical system.
<u>HB 437 With HA 1</u>	Clarifies that the fees collected under Chapter 63 can be used for purposes that are unmistakably related to emergency response capability for the State of Delaware .
<u>HB 445</u>	Extends the time for the Nursing Home Residents Quality Assurance Commission to issue a report evaluating the requirement that nursing supervisors spend a minimum of 25% of their time on supervisory functions. The report was required under Eagle's Law, which passed the General Assembly last year.
<u>HB 507 With HA 1</u>	Clarifies the definition of a home health agency , provides for the regulation and oversight of those home health agencies which are currently operating, but not licensed by the DHSS, increases licensure fees, and adds a provision for administrative and civil money penalties for violation of this Chapter or the adopted regulations.
<u>HB 522 with HA 1</u>	Provides for a method to provide quality pharmaceutical care to the citizens of Delaware in a more economical way without hindering the prescriber's ability to request a specific product. It would also bring the State in line with the generic substitution standards of surrounding states and in compliance with Federal Medicaid legislation. This Act shall take effect on January 1, 2003 to permit adequate time for compliance.

House Bill Number	Description
<u>HS 1 to HB 539</u>	Amends the current notice of monitoring law . Currently, an employer must give a one-time notice to an employee that the employer is monitoring telephone, e-mail or internet usage, which notice must be in writing and signed by the employee. This Act changes the notice requirement so that before an employer can engage in monitoring activities, the employer must notify the employee of such monitoring activity. This can be done either by providing the employee with a one-time notice and obtaining the employee's signature acknowledging receipt of the notice, or alternatively, by doing the following: (1) placing a message on the computer screen of any employee who has a computer; and (2) providing an update to a manual or handbook notifying the employee of the monitoring policy for any employer that utilizes a handbook or manual, which handbook update must be acknowledged either in writing or electronically by the employee.
<u>HR 66</u>	Establishes a Task Force with the responsibility to address and review medical negligence insurance issues , and to consider measures not currently in Delaware Law, and thereafter providing recommendations to the General Assembly with respect to cost and availability of insurance for medical providers.
<u>HR 82</u>	Establishes the Small Business Health Insurance Task Force to study and make recommendations regarding making available an affordable, comprehensive health care plan for small businesses, their employees and the self-employed.

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