



May 21, 2024

*Brian Frazee*  
President & CEO

The Honorable Sherry Dorsey Walker  
411 Legislative Ave.  
Delaware General Assembly  
Dover, DE 19901

*Beebe Healthcare*  
David A. Tam,  
MD, MBA  
President & CEO  
DHA Board Chair

Dear Representative Dorsey Walker,

On behalf of the Delaware Healthcare Association, representing Delaware's hospitals, health systems, and related healthcare organizations, thank you for the opportunity to comment on House Bill 394.

*ChristianaCare*  
Janice E. Nevin,  
MD, MPH  
President & CEO  
DHA Board Vice Chair

DHA appreciates that HB 394 carries out the Joint Legislative Oversight and Sunset Committee's (JLOSC) recommendations to reform the Health Resources Board while maintaining a Certificate of Need (CON) program in Delaware. However, we have some concerns with HB 394 as currently written. We hope to work with you on amendments that align with the intent of this bill and make the CON process more efficient and effective.

*Bayhealth*  
Terry Murphy  
President & CEO  
DHA Board Secretary &  
Treasurer

Delaware health care policies must always ensure access to affordable, high-quality care to everyone in our state. CON is an important tool that shields the most vulnerable Delawareans from being left without care. Without CON, any health care facility, including for-profit hospitals, could open their doors in our state without consideration of how it might impact Delawareans. They might take only patients with the highest paying insurance and only provide the most profitable services, possibly forcing full-service non-profit hospitals or other health care facilities to close, leaving Medicare, Medicaid, and uninsured patients without access to care.

*Nemours Children's Health*  
Mark Marcantano  
President  
Delaware Valley  
Operations

*TidalHealth Nanticoke*  
Penny Short, MSM, BSN,  
RN  
President

While HB 394 is an important step to maintain a CON process in Delaware, there are areas of the bill that could be improved, such as making clear that facilities subject to CON care for the underserved and take all public insurance. There are also technical changes we look forward to discussing to help clarify certain aspects of the process.

*Saint Francis Hospital*  
James Woodward  
President & CEO  
Trinity Health Mid-Atlantic Region

*Delaware Healthcare Association*  
Brian W. Frazee  
President & CEO

Finally, the healthcare policy landscape has changed in Delaware since the JLOSC review first began in early 2020. While we welcome ways to reduce the burden on Delaware's acute care hospitals that may have to submit duplicative information through both the CON and the Delaware Hospital Cost Review Board (HB 350) processes, it's important to remember that CON applies to *all* health care facilities, not just hospitals. Whereas HB 350 only applies to Delaware's acute care hospitals. To truly ensure access to high-quality health care for all Delawareans, the CON must be maintained.

Thank you for the opportunity to comment. We look forward to working with you on amendments to HB 394 that will continue to improve the CON process moving forward.

Sincerely,

A handwritten signature in black ink that reads "Brian Frazee". The signature is written in a cursive, flowing style.

Brian Frazee  
President & CEO  
Delaware Healthcare Association