



March 5, 2024

*Brian W. Frazee*  
President & CEO

The Honorable Spiros Mantzavinos  
Delaware General Assembly  
411 Legislative Ave.  
Dover, DE 19904

Dear Senator Mantzavinos,

*Nemours Children's Health*  
Mark Marcantano, JD  
Regional President,  
Nemours Children's  
Delaware Valley

The Delaware Healthcare Association, representing Delaware's hospitals, health systems, and related healthcare organizations, has strong concerns with Senate Bill 127 as currently written.

*Bayhealth*  
Terry Murphy,  
President & CEO

DHA agrees with the intent of SB 127 to address patient abuse at healthcare facilities, but we have concerns with the approach taken in this bill. Although SB 127 amends the long-term care (LTC) facilities section of the Delaware code, the definition of facility in this section also applies the provisions in this bill to hospitals. Under SB 127, hospital and LTC facility board members would face increased penalties if they become aware of abuse in a facility and fail to take "corrective action" as newly defined in the bill.

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

*ChristianaCare*  
Janice E. Nevin,  
MD, MPH  
President & CEO

The definition of "corrective action" as described in this bill is much too broad and sets a very high bar for what a board member or high managerial agent must do themselves to fix and prevent any future abuse or else face significant penalties – including felonies in some cases. Hospitals have significant policies and protections in place aimed to prevent and address abuse and mistreatment. While it would be unusual for a board member to know about abuse occurring that has not already been addressed by a hospital, it would be almost impossible for that board member to take all three steps described as necessary corrective action in the bill themselves. Instead, it would be more appropriate for a board member to inform the chief compliance officer or chief executive officer of the facility that could take immediate steps to resolve the issue. We recommend adding language to that effect.

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

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

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

We also have concerns that "high managerial agent" is not defined, making it unclear what level of leadership would be held accountable for events described in this bill.

Finally, hospital boards are typically members of the community who volunteer for these positions and serve in their spare time to provide high-level oversight and recommendations on hospital governance and strategy. They typically are not involved with the day-to-day operations and management of hospitals that this bill addresses. If left as is, this bill may create a disincentive for community members to serve as hospital board members.

Thank you for the opportunity to share DHA's concerns with SB 127. We respectfully request that the committee not advance this bill until these concerns are addressed and hope we can work collaboratively 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