



March 6, 2023

Megan Williams, DNP,
FNP-C, FAANP
Interim CEO

The Honorable Ruth Briggs King
411 Legislative Ave.
Dover, DE 19901

RE: Support for House Bill 41, the Digital Right to Repair Act

Dear Representative Briggs King,

Thank you for the opportunity to comment on House Bill 41, the Digital Right to Repair Act. The Delaware Healthcare Association is pleased to support this important legislation.

Nemours Children's Health

Mark Mumford,
Executive Vice President
Chief Executive,
Nemours Delaware
Valley Operations

Bayhealth

Terry Murphy,
President & CEO

Beebe Healthcare

David A. Tam,
MD, MBA,
President & CEO

ChristianaCare

Janice E. Nevin,
MD, MPH
President & CEO

TidalHealth Nanticoke

Penny Short, MSM, BSN,
RN
President & CEO

Saint Francis Hospital

Christopher Cullom,
MSHA, MBA
President, Saint Francis
Hospital

Delaware Healthcare Association

Megan Williams, DNP,
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Interim CEO

HB 41 creates the Delaware Digital Right to Repair Act to address the challenge many of us face -- when *only* a product's original manufacturer is authorized to repair digital devices and equipment. Under HB 41, for purposes of diagnosis, maintenance, or repair, an original manufacturer must make parts, documentation, tools, and updates available on fair and reasonable terms to independent repair providers or to the equipment owner. DHA supports this bill as hospital clinical engineers are responsible for initiating preventative maintenance and repairs on medical equipment to ensure it is safe and effective. They are unfortunately prohibited from fixing equipment on-site in many cases due to manufacturer restrictions and instead must contact the manufacturer for such repairs.

DHA would also oppose any efforts to exempt medical equipment from this legislation. The COVID-19 pandemic was a critical example of why hospitals cannot rely on medical manufacturers alone to fix medical equipment. For example, across the nation, ventilators were in short supply and the number of patients who needed ventilators exceeded the amount that hospitals had on hand. If one broke down, hospitals would have to wait for manufacturers to send their personnel to repair the device. This could take weeks, weeks that many patients did not have.

While not every medical equipment repair is a matter of life or death, having to rely on manufacturers for repairs is a matter of delaying patient care and unnecessarily increasing health care costs. Hospitals and health care providers, with the health and safety of their patients top of mind, should have the ability to choose if medical equipment is repaired by a qualified independent service organization or the original manufacturer. HB 41 provides that choice.

Thank you again for the opportunity to comment. DHA supports HB 41 and opposes any effort to exclude medical equipment from this important bill.

Sincerely,

A handwritten signature in blue ink that reads 'Megan Williams'.

Megan Williams, DNP, FNP-C, FAANP
Interim CEO

CC: Members of the House Economic Development/Banking/Insurance & Commerce Committee