



SPONSOR: Sen. Lockman & Rep. Bentz
Sens. Delcollo, Hansen, Lopez, Walsh; Reps. Bennett,
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DELAWARE STATE SENATE
150th GENERAL ASSEMBLY

SENATE BILL NO. 108

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE DELAWARE HEALTH
RESOURCES BOARD.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 9303, Title 16 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 9303. Delaware Health Resources Board.

4 (a) ~~There is hereby established a~~ The purpose of the Delaware Health Resources Board is to foster the cost-
5 effective and efficient use of health-care resources and the availability of and access to high quality and appropriate health-
6 care services.

7 (b)(1) ~~The Board shall consist of a Chair, a Vice Chair and 13 other members, all of which shall be appointed by~~
8 ~~the Governor. The Board consists of 11 members, all of whom are appointed by the Governor.~~

9 (2) ~~Appointments shall be for 3-year terms, provided that the terms of newly appointed members will be~~
10 ~~staggered so that no more than 5 appointments shall expire annually. Each member serves for a term of up to 3 years.~~
11 The Governor may appoint ~~members for terms~~ a member for a term of less than 3 years to ensure that ~~the board~~
12 ~~members'~~ terms expire on a staggered basis.

13 (3) ~~The membership shall be representative of all counties in the State. Membership must represent the 3~~
14 ~~counties of this State and be comprised as follows:~~

15 a. ~~In addition to the Chair and the Vice Chair, the membership shall consist of 1~~ One representative of the
16 Delaware Health Care ~~Commission; Commission.~~

17 b. 1 One representative from the Department of Health and Social Services recommended by the
18 Secretary of the Department of Health and Social ~~Services; Services.~~

19 c. 1 One representative of ~~labor; labor.~~

20 d. 1 One representative of the health insurance ~~industry; industry.~~

21 e. 1 One representative with knowledge and professional experience in health-care ~~administration;~~
22 administration.

f. ~~1~~ One representative licensed to practice medicine in ~~Delaware~~; Delaware.

g. ~~1~~ One representative with knowledge and professional experience in long-term care ~~administration~~;
administration.

h. ~~1~~ One representative of a provider group other than hospitals, nursing ~~homes or physicians~~; homes, or
physicians.

i. ~~1~~ One representative involved in purchasing health-care coverage on behalf of State ~~employees~~;
employees.

~~1 other representative involved in purchasing health-care coverage for employers with more than 200~~
~~employees;~~

j. ~~and 4~~ Two representatives of the public-at-large. Public members may ~~include but not be limited to~~
~~representative from~~ represent industries other than health-care, such as business, educational and education, or
nonprofit organizations.

(4) ~~The Governor shall appoint the Chair shall be an at-large position and shall be appointed by and serve at~~
~~the pleasure of the Governor chair, who must be 1 of the public-at-large members and serves as the chair at the~~
~~pleasure of the Governor. The Governor shall designate a Vice Chair from among the members of the Board who shall~~
~~serve in this capacity at the pleasure of the Governor. The Board shall elect a Vice Chair from the members of the~~
Board.

(5) The Delaware Healthcare Association, the Medical Society of Delaware, the Delaware Health Care
Facilities Association, the Delaware State Chamber of Commerce, and other interested organizations may submit
nonbinding recommendations to aid the Governor in making appointments to the Board.

(6) ~~Any vacancy shall be filled by the Governor for the balance of the unexpired term.~~

(8) ~~A quorum shall consist of at least 50% of the membership. The number of members needed to be present~~
~~at a Board meeting to have a quorum and conduct official business is the majority of members. Counting for quorum~~
does not include member positions that are vacant.

(9) ~~Members of the Board shall~~ Board members serve without compensation, ~~except that they but~~ may be
reimbursed for reasonable and necessary expenses incident to their duties, to the extent that funds are available and the
expenditures are in accordance with ~~state laws~~ State law.

(c)(1) The Board is an independent public instrumentality.

(2) For administrative and budgetary purposes only, the Board ~~shall be~~ is placed within the Department of
Health and Social Services, Office of the Secretary.

(3) ~~The Delaware Health Resources Board shall function~~ functions in cooperation with the Delaware Health Care ~~Commission, as well as~~ Commission and other state health policy activities.

(4) ~~The Department of Health and Social Services, Office of the Secretary, and the Delaware Health Care Commission shall provide staff and meeting space. Staff support for the Board shall be provided by the Delaware Health Care Commission and the Office of the Secretary, Department of Health and Social Services.~~

(d) The Board's duties and responsibilities ~~of the Board shall include, but not be limited to,~~ include all of the following:

(1) Develop a Health Resources Management Plan ~~which shall~~ referred to in this section as "the Plan", to assess the supply of health-care resources, particularly facilities and medical technologies, and the need for such resources. Essential aspects of the plan ~~shall~~ include a statement of principles to guide the allocation of resources, as ~~well as~~ and rules and regulations ~~which shall be~~ formulated for use in reviewing Certificate of Public Review applications.

a. ~~Any revision~~ Revision of the ~~Health Resources Management Plan shall~~ Plan must be done ~~in accordance with the provisions of~~ under the Administrative Procedures Act (Chapter 101 of Title 29). ~~The Board shall also be required to conduct a public hearing.~~

b. ~~Also, prior to adoption, the plan or revision of the plan shall be submitted~~ Before adoption, the Board shall submit the Plan or revision of the Plan to the Delaware Health Care Commission for review and approval. Upon receiving written approval from the Commission, the ~~plan~~ Board shall submit the Plan or revision ~~shall be submitted to the Secretary, Secretary of the~~ Department of Health and Social Services. The plan or revision ~~shall become~~ is effective upon the ~~Secretary's written approval of the Secretary;~~ approval.

(2) Review and decide whether to approve Certificate of Public Review applications filed ~~pursuant to~~ under this chapter ~~and make decisions on same.~~ Decisions ~~shall~~ must reflect the importance of assuring that health-care developments do not negatively affect the quality of health care or threaten the ability of health-care facilities to provide services to the ~~medically indigent~~ medically-indigent. ~~Decisions can be conditional~~ A decision may be conditional, but ~~the conditions~~ each condition must be related to the specific project ~~in question;~~ at issue.

(3) Gather and analyze data and information needed to carry out its responsibilities. Identify the kinds of data which are not available so that efforts can be made to assure that legitimate data needs can be met in the ~~future;~~ future.

(4) Address specific health-care issues as requested by the Governor or the General ~~Assembly;~~ Assembly.

81 (5) Adopt bylaws as necessary for conducting its affairs. Board members shall comply with the provisions of
82 Chapter 58 of Title 29 (State Ethics Code) and the Board shall operate in accordance with Chapter 100 of Title 29
83 (Freedom of Information ~~Act~~); and Act).

84 (6) Coordinate activities with the Delaware Health Care Commission, the Department of Health and Social
85 ~~Services~~ Services, and other groups as appropriate.

86 (e) ~~The Governor may at any time, after notice and hearing, remove any board member for gross inefficiency,~~
87 ~~neglect of duty, malfeasance, misfeasance or nonfeasance in office. A member shall be deemed in neglect of duty if they~~
88 ~~are absent from 3 consecutive board meetings without good cause or if they attend less than 50% of board meetings in a~~
89 ~~calendar year. The Governor may suspend or remove a member for misfeasance, malfeasance, or neglect of duty. A~~
90 ~~member is deemed in neglect of duty if the member is absent from 3 consecutive, regular Board meetings or attends less~~
91 ~~than 50% of Board meetings in a calendar year. The Governor may consider the member to have resigned, and may accept~~
92 ~~the member's resignation.~~

SYNOPSIS

The Joint Legislative Oversight and Sunset Committee approved a project to work with the Governor's Office throughout 2018 and 2019 to identify antiquated boards, commissions, and councils that need statutory updates or outright repeals. The Delaware Health Resources Board was identified as needing 3 major changes: reducing the number of members to make it easier to make quorum and fill Board vacancies, updating language to provide for 3-year terms, and authorizing the Board to elect a vice chair.

This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

Author: Senator Lockman