

CHAPTER 378
FORMERLY
SENATE BILL NO. 264

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE ADULT CORRECTION HEALTH CARE REVIEW COMMISSION.

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

Section 1. Amend Chapter 65, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 6518 Adult Correction Healthcare Review Committee.

(a) The Adult Correction Healthcare Review Committee (Committee) is hereby established. The Committee shall consist of 7 ~~6~~ members appointed by the Governor and confirmed by the Delaware State Senate which shall include the following:

- (1) a Delaware licensed physician;
- (2) a Delaware licensed psychiatrist;
- (3) a Delaware licensed psychologist;
- (4) a Delaware licensed registered nurse;
- (5) a member of the Delaware Bar;
- (6) an expert in the field of substance abuse treatment.

(b) The Chief of Correctional Healthcare Services shall serve as an ex officio non-voting member. All other members shall be appointed for a term of 3 years.

(c) with at least 1 representative appointed by each of the following organizations: (The Medical Society of Delaware, the Delaware Psychiatric Society, the Delaware Psychological Association, the Delaware Nurses Association, and the Delaware State Bar Association, an expert in the field of substance abuse treatment, and the Bureau Chief of Correctional Healthcare Services; may submit recommendations to the Governor for consideration of appointment.

(d) the The chair of the Committee shall be selected elected annually by majority vote of the current Committee members.

~~(b)~~ (e) The Committee serves in an advisory capacity to the Commissioner of the Department of Correction on all matters in Delaware's adult correction system relating to the provision of inmate healthcare services, the review of all inmate deaths and autopsies relating to those deaths, the construction of healthcare contracts that provide inmate healthcare services, and the review of all statistics relating to inmate healthcare. The Committee shall not be considered a public body as defined at § 10002 of Title 29.

~~(e)~~ (f) The Committee shall:

- (1) Perform advisory reviews of medical records of inmates who have died while incarcerated;
- (2) Review and monitor the quality and appropriateness of healthcare services rendered in Delaware's adult correctional facilities;
- (3) Review critical incident and mortality and morbidity review reports;
- (4) Receive and review monthly summaries of inmate, staff, public, and other grievances and the resolutions of these grievances in order to be fully appraised of the state of healthcare services in Delaware's adult correction facilities;
- (5) Receive and review monthly reports of inmate hospital admissions and infectious disease diagnoses, such as hepatitis C, tuberculosis, human immunodeficiency virus (HIV), methicillin resistant staphylococcus aureus (MRSA), and meningitis, from all adult correction facilities;
- (6) Have access to any and all otherwise protected healthcare information relating to current and former inmates supervised by the Department of Correction notwithstanding any other statute to the contrary; and
- (7) Review and advise on any other matters relating to adult inmate healthcare that the Committee considers reasonable and worthwhile including, but not limited to, the following:

- a. Assurance that all inmates receive appropriate and timely services in a safe environment;

- b. Systematic monitoring of the treatment environment;
- c. Assisting in the reduction of professional and general liability risks;
- d. Enhancing efficient utilization of resources;
- e. Assisting in credential review;
- f. Enhancing the identification of continuing educational needs;
- g. Facilitating the identification of strengths, weaknesses, and opportunities for improvement;
- h. Facilitating the coordination and integration of information systems; and
- i. Assuring the resolution of identified problems.

~~(d)~~ (g) The Committee shall refer to the appropriate licensing board grievance cases in which there is a serious deviation from the community standard of care by a healthcare worker or other employee of a prison healthcare contractor, if the healthcare worker or other employee's profession or occupation is governed under Title 24.

~~(e)~~ (h) The Department of Correction shall forward copies of National Commission of Correctional Health Care (NCCHC) and American Correctional Association (ACA) surveys, reports, and evaluations to the Committee upon their request. Whenever a survey, evaluation, or similar act is conducted by or on behalf of NCCHC or ACA, the Committee may be contacted and be allowed to contribute to the survey, evaluation, or other activity. The transmission of documents in the possession of the Department of Correction to the Committee shall not be considered a waiver of any statutory or common law privilege.

~~(f) Members of the Committee shall be appointed by the Governor and confirmed by the state Senate. The Committee member shall serve no more than 2 consecutive 3-year terms.~~

~~(g)~~ (i) Any document received or generated by the Committee is hereby specifically excluded from the definition of public record as set forth at § 10002 of Title 29.

~~(h)~~ (j) This section is intended only to provide ongoing independent review, monitoring, advice, and critique of the provision of healthcare to inmates within the custody of the Department of Correction. Accordingly, nothing in this chapter shall give rise to any right, entitlement or a private cause of action for civil damages or injunctive relief for any public or private party.

~~(i)~~ (k) The Committee shall submit a report by December 31 of each year to the Governor and the General Assembly on the state of inmate healthcare in Delaware's adult correction system.

Approved August 10, 2016