

CHAPTER 404
FORMERLY
SENATE BILL NO. 265
AS AMENDED BY
SENATE AMENDMENT NO. 2

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO A STATEWIDE STROKE CARE SYSTEM.

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

WHEREAS, it is the intent of the Delaware General Assembly to establish a statewide stroke care system in order to ensure the highest caliber of stroke care available, and to avail itself of the expertise of Delaware clinicians and other experts by forming a Statewide Stroke Committee.

NOW, THEREFORE:

Section 1. Amend § 1001, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1001 Definitions.

As used in this chapter:

“Acute Health Care Facility” means any facility which is established, maintained and operated for the purpose of providing immediate and emergent care to individuals suffering from a life-threatening medical condition.

Section 2. Amend § 1019 of Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1019 Designation of acute health care facilities ~~hospitals~~ as ~~primary~~ stroke centers.

(a) The Secretary of Health and Social Services shall designate as a comprehensive stroke center any acute health care facility within Delaware, or an out-of-state acute health care facility upon request, which has received Advanced Certification for Comprehensive Stroke Centers issued by The Joint Commission or an equivalent certification by another nationally recognized guidelines-based accrediting organization as determined by the Secretary.

(~~a~~ b) The Secretary of Health and Social Services shall designate as a primary stroke center any ~~hospital~~ acute health care facility within Delaware, or an out-of-state acute health care facility upon request, which has received ~~a Certificate of Distinction~~ Advanced Certification for Primary Stroke Centers issued by The Joint Commission ~~on Accreditation of Healthcare Organizations (JCAHO).~~ or an equivalent certification by another nationally recognized guidelines-based accrediting organization as determined by the Secretary.

(c) The Secretary of Health and Social Services shall designate as an acute stroke ready center any acute health care facility within Delaware, or an out-of-state acute health care facility upon request, which has received Advanced Certification for Acute Stroke Ready Centers issued by The Joint Commission or an equivalent certification by another nationally recognized guidelines-based accrediting organization as determined by the Secretary.

(d) The Secretary of Health and Social Services may establish other distinct categories of stroke center certification if additional categories are established by The Joint Commission or by an equivalent nationally recognized guidelines-based accrediting organization as determined by the Secretary, and may designate any acute health care facility as such based on certification by The Joint Commission or other nationally recognized guidelines-based accrediting organization.

(~~b~~e) The Secretary shall suspend or revoke a ~~hospital's distinction~~ facility's designation as a comprehensive stroke center, primary stroke center, acute stroke ready center or other categorization if The ~~JCAHO~~ Joint Commission or equivalent nationally recognized guidelines-based accrediting organization as determined by the Secretary ~~suspends or revokes a hospital's facility's Certificate of Distinction for Primary Stroke Center certification.~~

Section 3. Amend § 9702, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 9702 Definitions.

As used in this subchapter:

“Acute Health Care Facility” means any facility which is established, maintained and operated for the purpose of providing immediate and emergent care to individuals suffering from a life-threatening medical condition.

“Inclusive Statewide Stroke Care System” means a Stroke System in which all current and future providers of hospital and/or prehospital health care services may participate, at a level commensurate with the scope of their resources, as required in a Stroke Facility.

"Inclusive Statewide Trauma Care System" means a Trauma System in which all current and future providers of hospital and/or pre-hospital health care services may participate, at a level commensurate with the scope of their resources, as ~~outlined in paragraph (21)~~ required in a Specialty care unit of this section.

"Specialty care unit" shall mean sophisticated treatment facilities that provide advanced specialized definitive care for critically ill patients. The units shall be available for the diagnosis and care of specific patient problems including major trauma, burns, spinal cord injury, stroke, poisoning, acute cardiac, high-risk infant and behavioral emergencies.

“Stroke Facility” shall mean an acute care hospital or freestanding emergency department that has received and maintains current State of Delaware designation as a Stroke Center, as determined by the Secretary of Health and Social Services, or an acute care hospital or freestanding emergency department that has not achieved such a designation but participates in the care of stroke patients and contributes data to the Delaware Stroke System Registry and Quality Improvement Program.

“Stroke Patient” shall mean any person with an episode of neurological dysfunction or headache caused by focal cerebral, spinal, or retinal infarction or by a focal collection of blood within the brain parenchyma, ventricular system, or subarachnoid space that is not caused by trauma.

Section 4. Amend Chapter 97, Title 16 of the Delaware Code by ~~addition of subsection (20) to read as follows:~~ making deletions as shown by strike through and insertions as shown by underline as follows:

§ 9703 Delaware Emergency Medical Services Oversight Council.

(a) There is established the Delaware Emergency Medical Services Oversight Council (“DEMSOC”). The Council shall consist of the following members:

(20) The Chair of the Stroke System Committee.

§ 9704 Office of Emergency Medical Services — Created; purpose.

(h) Except for those activities and responsibilities for basic life support, which is under the jurisdiction of the State Fire Prevention Commission, the Office of Emergency Medical Services shall have jurisdiction over the development, implementation and maintenance of a statewide stroke system.

(i) A Memorandum of Agreement shall be established between the Office of Emergency Medical Services of the Division of Public Health and the State Fire Prevention Commission to foster inclusion and coordination of Basic Life Support Services within the Statewide Stroke System.

(j) The Director of Public Health shall establish and appoint a standing Stroke System Committee and ad hoc committees as deemed appropriate to assist in oversight of the Inclusive Statewide Stroke Care System. The standing Stroke System Committee shall convene at least quarterly. Membership on the standing Stroke System Committee will include, but not be limited to, a representative of each of the following constituencies to be selected from the three counties within the State and with best efforts to achieve a balance in membership from each county:

- 1) Stroke rehabilitation professionals, including but not limited to, physical therapists, occupational therapists, and speech language pathologists;
- (2) Practicing stroke neurologists;
- (3) Practicing Emergency Department physicians;
- (4) The Delaware Healthcare Association;
- (5) Advanced Life Support prehospital providers;
- (6) Basic Life Support prehospital providers;

- (7) The State Fire School;
- (8) Practicing neurosurgeons;
- (9) Practicing neurointerventional radiologists;
- (10) Practicing Registered Nurses involved in Stroke Patient Care;
- (11) Emergency Medical dispatchers;
- (12) Hospital administration or a designee from each Acute Health Care Facility which holds or intends to seek stroke center designation under this title;
- (13) The Delaware State Police Aviation Section; and
- (14) A representative from the State Fire Prevention Commission.

(k) The Stroke System Committee shall be an advisory group to the Director of Public Health on the following issues:

(1) Recommendations based on Delaware stroke data as determined by the Director of Public Health, and after review of Delaware data as analyzed by the Stroke System Committee, and input from the Committee, as to whether outcomes for Delaware patients will be improved by the adoption of a statewide stroke system. Such recommendations shall be made to the Director of Public Health no later than December 30, 2016. The Director of Public Health shall report the basis for the Directors' decision to the Chairs of the Health and Social Services Committees of the House and Senate.

(1) Rules governing the operation of Delaware's Inclusive Statewide Stroke Care System, which will be based upon national references and data based guidelines, as determined by the Director of Public Health with the advice of the Stroke System Committee.

(2) Recommendations for corrective action based on the reviews of the following:

a. statewide stroke care system operations, including the monitoring for adherence to adopted policies, procedures, protocols and standards, the availability of appropriate resources and the periodic review of stroke hospital and freestanding emergency department participation (designation) criteria.

b. the delivery of emergency medical and hospital services by stroke care service providers to stroke patients.

(3) Recommendation for modifications of the policies, procedures and protocols of stroke care as a result of system-wide review.

§ 9706 Office of Emergency Medical Services — Additional functions

(i) The Director of Public Health shall, except for those activities and responsibilities for basic life support, which is under the jurisdiction of the State Fire Prevention Commission:

(1) Use the Stroke System Committee recommendations as the basis for establishing a plan for the implementation and maintenance of Delaware's Inclusive Statewide Stroke Care System.

(2) The State Stroke System Plan shall address each component of stroke care as outlined in national references. These include, but are not limited to

a. Prehospital care - standardized and statewide policies, procedure and protocols to be used by all emergency medical service providers and licensed personnel for the identification, treatment and transport of stroke patients.

b. Prevention - efforts to decrease the numbers and severity of strokes resulting in decreased demand for care.

c. Hospital care - standards and criteria for hospital personnel, equipment and designation that identify the necessary resources that hospitals must have in order to be recognized within Delaware's Inclusive Statewide Stroke Care System as a specified category stroke facility. These standards and criteria shall be consistent with those identified in national stroke system references produced by national accreditation and certification organizations. All expenses associated with utilizing a nationally recognized accreditation team to verify a hospital's compliance with hospital designation criteria will be the responsibility of the hospital being surveyed.

d. Rehabilitative care - standards for the follow-up care for persons with disabilities resulting from injuries.

e. Stroke continuing education - The ongoing stroke-related education for stroke care system personnel/providers to maintain knowledge and skills.

f. Stroke care system evaluation - monitor policies and procedures regarding the effectiveness/impact of stroke care systems.

(3) Have the authority to promulgate rules for the management of all components of Delaware's Inclusive Statewide Stroke Care System, and shall seek input and review from the Stroke System Committee.

(4) Maintain a program of stroke care system evaluation, including a stroke data collection and registry system and a mechanism for evaluating and monitoring system performance throughout the continuum of stroke care.

§ 9707 Confidentiality of quality review program and participants

(d) Confidentiality of Stroke Quality Review Program and Participants

As used in this section 'records' means the recordings of interviews and all oral or written reports, statements, minutes, memoranda, charts, statistics, data and other documentation generated by the Stroke System Committee or its subcommittees for the stated purposes of stroke system medical review or quality care review and audit. All quality management proceedings shall be confidential. Records of the Stroke System Committee, its quality care review committee and members, attendees and visitors at meetings held for stated purposes of stroke system medical review or quality care review and audit shall be confidential and privileged and shall be protected from direct or indirect means of discovery, subpoena, or admission into evidence in any judicial or administrative proceeding. Raw data shall not be available for public inspection nor is it a public record within the meaning of the Delaware Freedom of Information Act.

Approved August 30, 2016