

CHAPTER 204
FORMERLY
SENATE SUBSTITUTE NO. 1

FOR

SENATE BILL NO. 13

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO HEALTH CARE DECISIONS

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

Section 1: Amend § 2505 of Title 16 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strikethrough as follows:

§ 2505. Optional form.

(12) C. That if the declarant is a resident of a sanitarium, rest home, nursing home, boarding home or related institution, one of the witnesses, _____, is at the time of the execution of the advance health-care directive, a patient advocate or ombudsman designated by the ~~Division of Services for Aging and Adults with Physical Disabilities or the Public Guardian~~ Department of Health and Social Services.

First witness Second Witness

(print name) (print name)

(address) (city, state, zip code) (address) (city, state, zip code)

(signature of witness) (date) (signature of witness) (date)

I am not prohibited by § 2503 of Title 16 of the Delaware Code Title 16 of the Delaware Code from being a witness.

Section 2: Amend § 2511(b) of Title 16 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strikethrough as follows:

§ 2511. Safeguards.

(a) Anyone who has good reason to believe that the withdrawal or withholding of health care in a particular case: (1) Is contrary to the most recent expressed wishes of a declarant; (2) is being proposed pursuant to an advance health-care directive that has been falsified, forged or coerced; or (3) is being considered without the benefit of a revocation which has been unlawfully concealed, destroyed, altered or cancelled; may petition the Court of Chancery for appointment of a guardian for such declarant.

(b) The ~~Division of Services for Aging and Adults with Physical Disabilities or the Public Guardian~~ Department of Health and Social Services and the Public Guardian shall have oversight over any advance health-care directive executed by a resident of a sanatorium, rest home, nursing home, boarding home or related institution as the same is defined in § 1102 of this title. Such advance health-care directive shall have no force nor effect if the declarant is a resident of a sanatorium, rest home, nursing home, boarding home or related institution at the time the advance health-care directive is executed unless 1 of the witnesses is a person designated as a patient advocate or ombudsman by ~~either the Division of Services for Aging and Adults with Physical Disabilities or the Public Guardian~~ the Department of Health and Social Services. The patient advocate or ombudsperson must have the qualifications required of other witnesses under this chapter except as provided in § 2508 of this title.

Section 3: Amend § 1121 of Title 16 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strikethrough as follows:

(15) Every patient and resident has the right, personally or through other persons or in combination with others, to exercise the patient's or resident's own rights; to present grievances; to recommend changes in facility policies or services on behalf of the patient's or resident's self or others; to present complaints or petitions to the facility's staff or administrator, to the ~~Division of Services for Aging and Adults With Physical Disabilities~~

Department of Health and Social Services, the protection and advocacy agency or to other persons or groups without fear of reprisal, restraint, interference, coercion or discrimination.

Approved April 04, 2014