

LAWS OF DELAWARE
VOLUME 85
CHAPTER 242
153rd GENERAL ASSEMBLY
FORMERLY
HOUSE BILL NO. 231

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO UNIFORM HEALTH DATA.

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

Section 1. Amend Chapter 20, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

Chapter 20. UNIFORM HEALTH DATA

§ 2002. Definitions.

The following words, terms and phrases, when used in this chapter, shall have meaning ascribed to them in this section, except where the context indicates a different meaning:

(1) “Delaware uniform claims and billing data set” ~~shall mean~~ means that data approved for use by the State Uniform Billing Committee.

(2) “Hospital” ~~shall mean~~ means any nonfederal facility licensed as such pursuant to Chapter 10 of this title.

(3) “Individual” ~~shall mean~~ means a singular human being.

(4) “Nursing home” ~~shall mean~~ means any and all rest residential, assisted living facility, skilled care or intermediate nursing facility licensed pursuant to Chapter 11 of this title.

(5) “Person” ~~shall mean~~ means an individual, trust or estate, a partnership, a corporation (including associations, joint stock companies and insurance companies), or a state or political subdivision or instrumentality (including a municipal corporation) of a state.

(6) “Raw data” ~~shall mean~~ means any information collected pursuant to this chapter which has not been approved for release by the state agency.

(7) “State agency” ~~shall mean~~ means the Division of Public Health within the Department of Health and Social Services. The Division of Public Health shall serve as the designated statistical agency under Public Law 95-623 for data analysis and statistical research related to the National Center for Health Statistics activities and for the designation of Health Manpower Shortage Areas (HMSAs) and Medically Underserved Areas (MUAs) by the U.S. Department of Health and Social Services.

(8) "Third-party payers" ~~shall mean~~ means any person authorized to transact health insurance or to engage in the business of a health service corporation in this State.

§ 2003. Duties and authority of state agency.

(a) The state agency shall compile, correlate, analyze and develop data which it collects pursuant to this chapter. The state agency shall prepare and distribute or make available reports to health-care purchasers, health-care insurers, health-care providers and the ~~general~~ public. The data shall be collected in the most efficient and cost-effective manner. Data collected shall be limited to that contained in the Delaware uniform claims and billing data set (~~UB-82~~ UB-04 or successor form).

(b) The state agency shall periodically compile and disseminate reports on the data collected such ~~as, but not limited to:~~ as charge levels, age-specific utilization patterns, morbidity patterns, patient origin and trends in health-care charges. Prior to release or dissemination of any compilations, the state agency shall provide a specified time ~~period~~ for hospitals and nursing homes to review the information they have submitted and to submit corrections. The state agency shall incorporate any valid corrections prior to release. Hospitals and nursing homes shall have the right to provide independent data interpretation which shall be disseminated along with the report.

(d) The state agency shall establish the Hospital Discharge Technical Advisory Committee to study issues such as the collection, compilation, dissemination and confidentiality of data ~~with regard to~~ regarding hospital discharge and emergency department data reporting. The Committee shall be comprised of 9 members. These members shall include hospital and nursing home representatives from the Delaware Healthcare Association and the Delaware Health Care Facilities Association. The members shall be appointed by the Secretary of the Department of Health and Social Services. Members shall serve a 3-year term and are eligible for reappointment. The state agency may establish other committees as deemed appropriate.

§ 2004. Reporting requirements.

(a) The Delaware uniform claims and billing data set (~~UB-82~~ UB-04 or successor form) shall be completed for all hospital inpatient discharges and emergency department visits, ~~and shall be submitted by all~~

(b) All hospitals must submit data electronically to the state agency according to a schedule established pursuant to subsection ~~(d)~~(e) of this ~~section~~, section, through the state agency's Secure File Transfer Protocol (SFTP), in the format agreed upon by the state agency and the Delaware Healthcare Association. All third-party payers shall be required to accept this uniform claims and billing form. ~~The state agency shall recognize the capabilities of each~~

hospital in specifying the medium or mediums to be used in submitting data (hard copy, data tape or other appropriate electronic media).

~~(b)~~(c) The Delaware uniform claims and billing data set (~~UB-82 UB-04~~ or successor form) shall be completed for all nursing home inpatient discharges beginning not sooner than June 30, 1995, and shall be submitted by all nursing homes to the state agency according to a schedule established pursuant to subsection ~~(d)~~(e) of this section. All third-party payers shall be required to accept the Delaware uniform claims and billing form. ~~Prior to this time,~~ nursing Nursing homes shall ~~continue to~~ submit data electronically through the State agency's SFTP in a medium and in a format as agreed ~~to~~ upon by the state agency and the Delaware Health Care Facilities Association.

~~(e)~~(d) The state agency shall assure that any report of data specific to hospitals or nursing homes presents data that are reliable, valid and informative. Such data shall reflect, as appropriate, factors including, but not limited to, the number of patients, patient severity at admission, age of patients, the actual versus expected number of deaths, average length of stay and case mix. The report shall explain each of these adjustments. The report also shall include information necessary to adequately represent the operations of the individual hospital or nursing home such as whether ~~or not~~ physician charges are included in the hospital charges, whether ~~or not~~ the hospital maintains medical education programs and the hospital's payer mix. The state agency shall consult with the ~~Association of Delaware Hospitals~~ Healthcare Association and the Delaware Health Care Facilities Association in identifying the various adjustment factors and information to be included.

~~(d)~~(e) The state agency shall establish schedules for the timely submission of data and information collected pursuant to this section. The state agency may grant waivers from such schedules for good cause shown.

§ 2005. Cancer incidence data.

(a) Notwithstanding any provisions in this title to the contrary, the agency shall make available as public records cancer incidence by census tract and by type of cancer. Such released data shall be assigned ~~on~~sensus census tract geography from the most recent decennial census. If release of such information by census tract will explicitly or implicitly identify any individual, the agency may combine data among contiguous census tracts, but only insofar as is necessary to protect patient confidentiality.

(b) The agency shall create a detailed map of each county in Delaware that graphically illustrates the overall incidence of cancer in each census ~~tract.~~ tract. The census ~~tracks~~ tracts will be identified on the maps and shall be

color-coded to designate the degree of cancer incidence in each ~~tract~~ tract. These maps shall be created within 90 days of the agency receiving the cancer incidence data.

(c) The agency shall post the maps created under subsection (b) of this section above on their website in a format that can be easily accessed and read by the public.

§ 2007. Sanctions.

(a) A hospital or nursing home which ~~willfully~~ willfully violates this chapter shall be reported to the Delaware Department of Health and Social Services which may take such action as deemed appropriate to enforce compliance. No action shall be taken by the Delaware Department of Health and Social Services without first providing an opportunity to the hospital or nursing home for a fair hearing.

(b) A hospital or nursing home which is aggrieved by any action taken by the Delaware Department of Health and Social Services pursuant to this section may, within 30 days of being notified of such action, appeal to the Superior Court.

§ 2008. Immunity.

No person shall be subject to, and all persons shall be immune from, any claim, suit, liability, ~~damages~~ damages, or any other recourse, civil or criminal, arising from any act or proceeding, decision or determination undertaken or performed, or recommendation made while discharging any duty or authority under this chapter, so long as such person acted in good faith, without malice, and within the scope of the person's duty or authority under this chapter or any other provisions of the Delaware law, federal ~~law~~ law, or ~~regulations~~ or duly adopted rules and regulations providing for the administration of this chapter, good faith being presumed until proven otherwise, with malice required to be shown by the complainant.

§ 2009. Data from other providers.

The Delaware Health Care Commission or its successor agency shall complete an analysis of the merits and feasibility of collecting data from providers other than hospitals and nursing homes. Other providers to be considered shall ~~include, but not be limited to,~~ include physicians, freestanding surgical centers, freestanding birthing centers and freestanding emergency centers licensed in the State. The results of such analysis along with proposed enabling legislation, as appropriate, shall be submitted to the Governor and the General Assembly by December 31, 1995.

Approved March 19, 2026