



SPONSOR: Sen. Mantzavinos & Sen. Pettyjohn & Rep. K. Johnson &
Rep. Briggs King & Rep. K. Williams
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Michael Smith

DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE BILL NO. 127

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO PATIENT ABUSE.

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

1 Amend § 1136, Title 16 of the Delaware Code by making deletions as shown by making deletions as shown by
2 strike through and insertions as shown by underline as follows and by redesignating accordingly:

3 § 1131. Definitions.

4 For purposes of this subchapter:

5 () “Corrective action” means an action that does all of the following:

6 a. Stops the abuse, mistreatment, neglect, financial exploitation, or medication diversion of the affected
7 patient or resident of the facility.

8 b. Prevents the abuse, mistreatment, neglect, financial exploitation, or medication diversion of other
9 patients or residents of the facility.

10 c. Ensures that the abuse, mistreatment, neglect, financial exploitation, or medication diversion will not
11 recur.

12 § 1136. Violations.

13 (a) Any person who knowingly or recklessly abuses, mistreats, or neglects a patient or resident is guilty of a class
14 A misdemeanor.

15 (1) If the abuse involves sexual contact such person is guilty of a class G felony.

16 (2) If the abuse, mistreatment, or neglect results in serious physical injury, sexual penetration, or sexual
17 intercourse, such person is guilty of a class C felony.

18 (3) If the abuse, mistreatment, or neglect results in death, then the person is guilty of a class A felony.

19 (b) Any person who knowingly causes medication diversion of a patient or ~~resident~~, resident is guilty of the
20 following:

21 (1) A class G felony.

22 (2) A class F felony, if committed by a health-care professional.

(c) Any person who knowingly commits financial exploitation of a patient's or resident's resources is guilty of the following:

(1) A class A misdemeanor if the value of the resources is less than \$1,000.

(2) A class G felony if the value of the resources is \$1,000 or more.

(d) Any member of the board of directors or a high managerial agent who knows that patients or residents of the facility are being abused, mistreated, ~~mistreated, or neglected, or financially exploited or are the victim of medication diversion~~ and fails to promptly take corrective action is guilty of a class ~~A misdemeanor~~ B misdemeanor, unless one of the following circumstances applies:

(1) If the abuse involves sexual contact, it is a class A misdemeanor.

(2) If the abuse, mistreatment, or neglect results in serious physical injury, sexual penetration, or sexual intercourse, it is a class D felony.

(3) If the abuse, mistreatment, or neglect results in death, then it is a class B felony.

(e) Any member of the board of directors or a high managerial agent who knows that patients or residents of the facility are the victim of medication diversion and fails to promptly take corrective action is guilty of a class A misdemeanor.

(f) Any member of the board of directors or a high managerial agent who knows that the resources of a patient or resident of the facility are being financially exploited and fails to promptly take corrective action is guilty the following:

(1) A class B misdemeanor if the value of the resources is less than \$1,000.

(2) A class A misdemeanor if the value of the resources is \$1,000 or more.

~~(e)~~ (g) Nothing in this section precludes a separate charge, conviction, and sentence for any other crime under this title or this Code.

(h) The Superior Court has original and exclusive jurisdiction over violations of this section.

SYNOPSIS

This Act adds different levels of criminal liability based on the specifics of a case for directors or managers of facilities who fail to take corrective action to protect patients or residents from criminal activity.

Author: Senator Mantzavinos