



SPONSOR: Rep. Bentz & Rep. Smyk & Sen. S. McBride &  
Sen. Lopez  
Reps. Briggs King, Griffith, Lambert, Mitchell,  
Michael Smith; Sens. Sokola, Walsh

HOUSE OF REPRESENTATIVES  
151st GENERAL ASSEMBLY

HOUSE BILL NO. 161

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE DEFINITION OF HOSPITALS.

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

1 Section 1. Amend Chapter 10, Title 16 of the Delaware Code by making insertions as shown by underline and  
2 deletions as shown by strike through as follows:

3 §1001. "Hospital" defined.

4 (a) As used in this chapter, "hospital" means a health-care organization that has a governing body, an organized  
5 medical and professional staff, and inpatient facilities, and provides either medical diagnosis, treatment and care, nursing  
6 and related services for ill and injured patients, or rehabilitation services for the rehabilitation of ill, injured or disabled  
7 patients 24 hours per day, 7 days per week and primarily engaged in providing inpatient services.

8 (b) Hospitals may be further classified as:

9 (1) General. — Providing diverse patient services, diagnostic and therapeutic, for a variety of medical  
10 conditions. A general hospital must provide ~~onsite~~: on-site:

11 a. Diagnostic x-ray services with facilities and staff for a variety of ~~procedures~~; procedures.

12 b. Clinical laboratory services with facilities and with anatomical pathology services regularly and  
13 conveniently ~~available~~; and available.

14 c. Operating room service with facilities and staff.

15 d. Emergency department with facilities and staff.

16 (2) Long-term care. — Providing inpatient services for patients whose medically-complex conditions require a  
17 long hospital stay with an average length of stay of greater than 25 days.

18 (3) Psychiatric. — Providing services for the diagnosis and treatment of patients with psychiatric-related  
19 illness.

20 (4) Rehabilitation. — Providing intensive inpatient rehabilitative services for 1 or more conditions requiring  
21 rehabilitation.

22                   (5) Surgical. — Providing inpatient and outpatient surgical and related services in which the expected duration  
23                   of the patient’s stay does not exceed 72 hours following an admission.

24                   (c) Hospitals classified under subsections (b)(2) through (5) shall not be required to comply with the provisions of  
25                   subsection (b)(1), but must, at a minimum, provide on-site basic emergency care services.

26                   Section 2. Nothing in this Act shall be interpreted as affecting or invalidating any services provided by hospitals in  
27                   Delaware prior to the effective date of this Act.

#### SYNOPSIS

This Act adds an additional classification for surgical hospitals. House Bill No. 91 adopted by the 150th General Assembly (82 Del. Laws c. 73) revised the statutory definition of hospital and classified hospitals as either General, Long-term care, Psychiatric, or Rehabilitation. The existing classifications do not include surgical hospitals, those specialized hospitals providing surgical services at a level of care higher than freestanding surgery centers but whose patients do not require all of the services provided by “General” acute care hospitals. This Act will allow the Department of Health and Social Services to license and regulate surgical hospitals providing inpatient and outpatient surgical services to patients whose duration of stay is not expected to exceed 72 hours.

This Act also makes technical corrections to existing law to make it consistent with the Legislative Drafting Manual.