



SPONSOR: Sen. Gay & Rep. Dorsey Walker  
Sens. Hansen, Pettyjohn, Pinkney, Richardson; Reps.  
Griffith, K. Johnson, Spiegelman, Yearick

DELAWARE STATE SENATE  
151st GENERAL ASSEMBLY

SENATE BILL NO. 121

AN ACT TO AMEND TITLE 16 AND TITLE 29 OF THE DELAWARE CODE RELATING TO THE DELAWARE  
HEALTH INFORMATION NETWORK AND THE DEPARTMENT OF CORRECTION.

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

1           Section 1. Amend § 10312, Title 16 of the Delaware Code by making deletions as shown by strike through and  
2       insertions as shown by underline as follows:

3           § 10312. Definitions.

4           ~~For purposes of~~ As used in this chapter, unless amended, supplemented, or otherwise modified by regulations  
5       adopted under this chapter:

6           (4) "Mandatory reporting entity" means ~~all~~ each of the following entities, to the extent permitted under federal  
7       law:

8           f. The Department of Correction or a third-party entity contracted to provide health care services to an  
9       individual in the custody or care of the Department of Correction.

10          Section 2. Amend Chapter 89, Title 29 of the Delaware Code by making deletions as shown by strike through and  
11       insertions as shown by underline as follows:

12          § 8916. Participation in the Delaware Health Information Network.

13          The Department of Correction or a third-party entity providing medical care to an individual in the Department's  
14       custody or care shall do both of the following:

15           (1) Enroll in the Delaware Health Information Network ("DHIN"), under Chapter 103 of Title 16, as an active  
16       user of the Community Health Record. The Department of Correction or third-party entity must enroll in DHIN no  
17       later than 30 days after the Department or third-party entity begins providing the medical care.

18           (2) Enter into an agreement with the Delaware Health Information Network ("DHIN") to provide DHIN with  
19       a summary of each visit or episode of care in an electronic format that DHIN establishes. The Department of  
20       Correction or third-party entity must enter into the agreement with DHIN no later than 90 days after the Department or  
21       third-party entity begins providing the medical care.

22           Section 3. The Department of Correction or a third-party entity that provides medical care to an individual in the  
23 Department's custody or care on or before [the date of enactment of this Act] must enroll in the Delaware Health  
24 Information Network under § 8916(1) of Title 29 no later than 30 days after [the enactment date of this Act].

25           Section 4. A third-party entity that provides medical care to an individual in the Department's custody or care on  
26 or before [the date of enactment of this Act] must enter into an agreement with the Delaware Health Information Network  
27 under § 8916(2) of Title 29 no later than 90 days after [the enactment date of this Act].

#### SYNOPSIS

This Act is the result of the 2019 report of the Joint Legislative Oversight and Sunset Committee's task force under Senate Resolution No. 9 of the 150th General Assembly. This Act addresses a gap in care coordination efforts for individuals in the custody of the Department of Correction ("Department"), by ensuring that appropriate health data regarding the care provided to those individuals and the cost of the care is provided to the Delaware Health Information Network ("DHIN") for inclusion in DHIN's clinical health data repository and the Delaware Health Care Claims Database, respectively. The data will be accessed or used only consistent with DHIN's governing statute, Chapter 103 of Title 16.

Under this Act, the Department or a third-party entity that provides medical care to an individual in the Department's custody or care as of the date this Act is enacted must enroll in DHIN under § 8916(1) of Title 29 no later than 30 days after the date of enactment, and must enter into an agreement with DHIN under § 8916(2) of Title 29 no later than 90 days after the date of enactment.

A third-party entity that begins providing medical care to an individual in the Department's custody or care after the date this Act is enacted must enroll in DHIN under § 8916(1) of Title 29 no later than 30 days after beginning to provide the medical care, and must enter into an agreement with DHIN under § 8916(2) of Title 29 no later than 90 days after beginning to provide the medical care.

This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

Author: Senator Gay