SPONSOR: Sen. Hansen & Rep. Minor-Brown & Rep. K. Williams
Sens. Hoffner, Pinkney, Sokola, Townsend, Walsh; Reps. Baumbach, Chukwuocha, Harris, Heffernan, K. Johnson, Lambert, Longhurst

DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE BILL NO. 74
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO HEALTH RECORDS.

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

Section 1. Amend Chapter 19, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1937. Treatment records; discontinuation of a practice; termination of a patient relationship; death of an advanced practice registered nurse.

(a)(1) An APRN licensed under this chapter shall provide notice under this section to all affected patients no less than 30 days before doing any of the following:

a. Discontinuing a medical practice in this State when the APRN is not transferring patient records to another health-care provider in this State.

b. Terminating a patient relationship.

(2) The notice required under paragraph (a)(1) of this section must include all of the following:

a. How the patient can obtain the patient's records.

b. The name, phone number, and address of other health-care providers in the area who may be available to accept new patients who require that medical care.

c. The date the APRN will discontinue services.

(3) The notice required under paragraph (a)(1) of this section must be provided by all of the following:

a. If the patient is enrolled to receive messages through an electronic medical record system, an electronic message through that system.

b. A letter sent by first class mail.

(4) When an APRN is closing a medical practice and patient medical records will no longer be available at the APRN's place of business, the APRN shall provide to the Board of Nursing notice of how former patients may obtain the patient's records.

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(b)(1) If an APRN dies and has not transferred patient records to another health-care provider and has not made provisions for a transfer of patient records to occur upon the APRN's death, a personal representative of the APRN's estate shall provide notice to the deceased APRN's patients of record by doing all of the following:

a. Publishing a notice to that effect in a newspaper of general circulation in the area where the deceased APRN practiced. The notice must be published at least 1 time per month in the 3-month period after the APRN's death.

b. Providing notice to all patients of record who have not requested records 30 days after publication of the first notice under paragraph (b)(1)a. of this section by all of the following:

1. If the patient is enrolled to receive messages through an electronic medical record system, an electronic message through that system.

2. A letter sent by first class mail.

(2) The notice required under paragraph (b)(1) of this section must include all of the following:

a. That the APRN has died.

b. How the patient can obtain the patient's records.

(3) The personal representative of the person's estate shall provide the Board of Nursing notice of how former patients may obtain the patient's records.

(c)(1) If a patient changes from the care of an APRN to another health-care provider, the APRN shall transfer the patient's records to the new health-care provider upon the request of the patient or the new health-care provider with the patient's written consent.

(2) If the patient and APRN agree, the APRN may forward a summary of the patient's record to the new health-care provider in lieu of transferring the entire record, at no charge to the patient.

(d)(1) Patients have the right to obtain a copy of their records from an APRN.

(2) Unless a patient is requesting a copy of their records under subsections (a) or (b) of this section or to make or complete an application for a disability benefits program, a patient who requests a copy of their records is subject to any of the following charges:

a. The reasonable expenses of copying the patient's records, according to the payment schedule under paragraph (d)(3) of this section.

b. The actual cost of postage or shipping, if the records are mailed or shipped.

c. Charges for copies of records not susceptible to photostatic reproduction, such as radiology films, models, photographs, or fetal monitoring strips, may be the full cost of the reproduction.

(3) The Delaware Board of Nursing shall establish a payment schedule for copies of patient records under this section and must review this payment schedule annually.

(4) The APRN or their third-party release-of-information service may require payment of all costs under paragraph (d)(2) of this section before providing the copies of the records.

(e) This section does not apply to an APRN who has seen or treated a patient on referral from another health-care provider and who has provided a copy of the record of the diagnosis or treatment to at least 1 of the following:

(1) The referring health-care provider.

(2) A hospital or an agency that has provided treatment for the patient.

(f) An APRN has 45 days from the closure of the record or the assembly of a complete record to fulfill a request for records, unless a faster response is medically necessary.

(g)(1) An APRN may permanently dispose of a patient's record in a manner that ensures confidentiality of the records 7 years after the following:

a. Discontinuing business in this State.

b. The last entry date in the patient's record after terminating the patient relationship or the patient changes from the care of the APRN to another health-care provider.

(2) Seven years after the death of an APRN, the APRN's personal representative may permanently dispose of patient records that have not been procured, in a manner that ensures confidentiality of the records.

(3) An APRN or the personal representative of the APRN who disposes of patient records in accordance with this section is not liable for any direct or indirect loss suffered as a result of the disposal of a patient's records.

(h) The Delaware Board of Nursing may find that an APRN who violates this section has committed unprofessional conduct, and any aggrieved patient or the patient's personal representative may bring a civil action for damages or injunctive relief, or both, against the violator.

§ 1938. Appointment of a custodian of patient records.

(a) If the Delaware Board of Nursing receives a formal or informal complaint concerning access to patient records as a result of an APRN's physical or mental incapacity, death, or abandonment or involuntary discontinuation of a medical practice in this State, the Delaware Board of Nursing may temporarily or permanently appoint an individual or entity as custodian of the APRN's patient records after an investigation in accordance with the procedures under § 8735(h) of Title 29.

(b)(1) The custodian of patient records appointed under this section shall notify the APRN's patients of record of the custodian's appointment by doing all of the following:

a. Publishing a notice to that effect in a newspaper of general circulation in the area where the APRN practiced. The notice must be published at least 1 time per month in the 3-month period after the custodian's appointment and must explain how a patient can procure the patient's records.

b. Notifying, by first class mail, all patients of record who have not requested their records 30 days after publication of the first notice under paragraph (b)(1)a. of this section that the custodian has been appointed and explaining how the patient can procure the patient's records.

(2) Seven years after being appointed, the custodian may permanently dispose of patient records that have not been procured, in a manner that ensures confidentiality of the records.

(c) A custodian of patient records appointed under this section who disposes of patient records in accordance with the provisions of this section is not liable for any direct or indirect loss suffered as a result of the disposal of a patient's records.

Section 2. Amend Subchapter I, Chapter 30, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3019. Treatment records; discontinuation of a practice; termination of a client relationship; death of a licensee.

(a)(1) An individual licensed under this chapter shall provide notice under this section to all affected clients no less than 30 days before doing any of the following:

a. Discontinuing the licensee's practice in this State when the licensee is not transferring client records to another provider in this State.

b. Terminating a client relationship.

(2) The notice required under paragraph (a)(1) of this section must include all of the following:

a. How the client can obtain the client's records.

b. The name, phone number, and address of other providers in the area who may be available to accept new clients who require that care.

c. The date the licensee will discontinue services.

(3) The notice required under paragraph (a)(1) of this section must be provided by all of the following:

a. If the client is enrolled to receive messages through an electronic medical record system, an electronic message through that system.

b. A letter sent by first class mail.

(4) When a licensee is closing the licensee's practice and client records will no longer be available at the licensee's place of business, the licensee shall provide to the Board notice of how former clients may obtain the client's records.

(b)(1) If a licensee dies and has not transferred client records to another provider and has not made provisions for a transfer of client records to occur upon the licensee's death, a personal representative of the licensee's estate shall provide notice to the deceased licensee's clients of record by doing all of the following:

a. Publishing a notice to that effect in a newspaper of general circulation in the area where the deceased licensee practiced. The notice must be published at least 1 time per month in the 3-month period after the licensee's death.

b. Providing notice to all clients of record who have not requested their records 30 days after publication of the first notice under paragraph (b)(1)a. of this section by doing all of the following:

1. If the client is enrolled to receive messages through an electronic medical record system, an electronic message through that system.

2. A letter sent by first class mail.

(2) The notice required under paragraph (b)(1) of this section must include all of the following:

a. That the licensee has died.

b. How the client can obtain the client's records.

(3) The personal representative of the person's estate shall provide the Board notice of how former clients may obtain the client's records.

(c)(1) If a client changes from the care of a licensee to another provider, the licensee shall transfer the client's records to the new provider upon the request of either the client or the new provider with the client's written consent.

(2) If the client and licensee agree, the licensee may forward a summary of the client's treatment record to the new provider in lieu of transferring the entire record, at no charge to the client.

(d)(1) Clients have the right to obtain a copy of their records from a licensee.

(2) Unless a client is requesting a copy of their records under subsections (a) or (b) of this section or to make or complete an application for a disability benefits program, a client who requests a copy of their records is subject to any of the following charges:

a. The reasonable expenses of copying the client's records, according to the payment schedule under paragraph (d)(3) of this section.

b. The actual cost of postage or shipping, if the records are mailed or shipped.

c. Charges for copies of records not susceptible to photostatic reproduction, such as radiology films, models, photographs, or fetal monitoring strips, may be the full cost of the reproduction.

(3) The Board shall establish a payment schedule for copies of client records under this section and must review this payment schedule annually.

(4) The licensee or their third-party release-of-information service may require payment of all costs under paragraph (d)(2) of this section before providing the copies of the records.

(e) This section does not apply to a licensee who has seen or treated a client on referral from another provider and who has provided a copy of the record of the diagnosis or treatment to at least 1 of the following:

(1) The referring provider.

(2) A hospital or an agency that has provided treatment for the client.

(f) A licensee has 45 days from the closure of the record or the assembly of a complete record to fulfill a request for client records, unless a faster response is medically necessary.

(g)(1) A licensee may permanently dispose of a client's record in a manner that ensures confidentiality of the records 7 years after the following:

a. Discontinuing business in this State.

b. The last entry date in the client's record after terminating the client relationship or the client changes from the care of the licensee to another provider.

(2) Seven years after the death of a licensee, the licensee's personal representative may permanently dispose of client records that have not been procured, in a manner that ensures confidentiality of the records.

(3) A licensee or the personal representative of the estate of a licensee who disposes of client records in accordance with this section is not liable for any direct or indirect loss suffered as a result of the disposal of a client's records.

(h) The Board may find that an individual licensed under this chapter who violates this section has committed unprofessional conduct, and any aggrieved client or the client's personal representative may bring a civil action for damages or injunctive relief, or both, against the violator.

§ 3020. Appointment of a custodian of client records.

(a) If the Board receives a formal or informal complaint concerning access to client records as a result of a licensee's physical or mental incapacity, death, or abandonment or involuntary discontinuation of a licensee's practice in this State, the Board may temporarily or permanently appoint an individual or entity as custodian of the licensee's client records after an investigation in accordance with the procedures under § 8735(h) of Title 29.

(b)(1) The custodian of client records appointed under this section shall notify the licensee's clients of record of the custodian's appointment by doing all of the following:

a. Publishing a notice to that effect in a newspaper of general circulation in the area where the licensee practiced. The notice must be published at least 1 time per month in the 3-month period after the custodian's appointment and must explain how a client can procure the client's records.

b. Notifying, by first class mail, all clients of record who have not requested their records 30 days after publication of the first notice under paragraph (b)(1)a. of this section that the custodian has been appointed and explaining how the client can procure the client's records.

(2) Seven years after being appointed, the custodian may permanently dispose of client records that have not been procured, in a manner that ensures confidentiality of the records.

(c) A custodian of client records appointed under this section who disposes of patient records in accordance with the provisions of this section is not liable for any direct or indirect loss suffered as a result of the disposal of a client's records.

Section 3. Amend Chapter 35, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3521. Treatment records; discontinuation of a practice; termination of a patient relationship; death of a psychologist.

(a)(1) A psychologist licensed under this chapter shall provide notice under this section to all affected patients no less than 30 days before doing any of the following:

a. Discontinuing a psychology practice in this State when the psychologist is not transferring patient records to another provider in this State.

b. Terminating a patient relationship.

(2) The notice required under paragraph (a)(1) of this section must include all of the following:

a. How the patient can obtain the patient's records.

b. The name, phone number, and address of providers in the area who may be available to accept new patients who require that medical care.

c. The date the psychologist will discontinue services.

(3) The notice required under paragraph (a)(1) of this section must be provided by all of the following:

a. If the patient is enrolled to receive messages through an electronic medical record system, an electronic message through that system.

b. A letter sent by first class mail.

(4) When a psychologist is closing a psychology practice and patient records will no longer be available at the psychologist's place of business, the psychologist shall provide to the Board notice of how former patients may obtain the patient's records.

(b)(1) If a psychologist dies and has not transferred patient records to another provider and has not made provisions for a transfer of patient records to occur upon the psychologist's death, a personal representative of the psychologist's estate shall provide notice to the deceased psychologist's patients of record by doing all of the following:

a. Publishing a notice to that effect in a newspaper of general circulation in the area where the deceased psychologist practiced. The notice must be published at least 1 time per month in the 3-month period after the psychologist's death.

b. Providing notice to all patients of record who have not requested their records 30 days after publication of the first notice under paragraph (b)(1)a. of this section by all of the following:

1. If the patient is enrolled to receive messages through an electronic medical record system, an electronic message through that system.

2. A letter sent by first class mail.

(2) The notice required under paragraph (b)(1) of this section must include all of the following:

a. That the psychologist has died.

b. How the patient can obtain the patient's records.

(3) The personal representative of the person's estate shall provide the Board notice of how former patients may obtain the patient's records.

(c)(1) If a patient changes from the care of a psychologist to another provider, the psychologist shall transfer the patient's records to the new provider upon the request of either the patient or the new provider with the patient's written consent.

(2) If the patient and psychologist agree, the psychologist may forward a summary of the patient's record to the new provider in lieu of transferring the entire record, at no charge to the patient.

(d)(1) Patients have the right to obtain a copy of their records from a psychologist.

(2) Unless a patient is requesting a copy of their records under subsections (a) or (b) of this section or to make or complete an application for a disability benefits program, a patient who requests a copy of their records is subject to any of the following charges:

a. The reasonable expenses of copying the patient's records, according to the payment schedule under paragraph (d)(3) of this section.

b. The actual cost of postage or shipping, if the records are mailed or shipped.

c. Charges for copies of records not susceptible to photostatic reproduction, such as radiology films, models, photographs, or fetal monitoring strips, may be the full cost of the reproduction.

(3) The Board shall establish a payment schedule for copies of patient records under this section and must review this payment schedule annually.

(4) The psychologist or their third-party release-of-information service may require payment of all costs under paragraph (d)(2) of this section before providing the copies of the records.

(e) This section does not apply to a psychologist who has seen or treated a patient on referral from another provider and who has provided a copy of the record of the diagnosis or treatment to at least 1 of the following:

(1) The referring provider.

(2) A hospital or an agency that has provided treatment for the patient.

(f) A psychologist has 45 days from the closure of the record or the assembly of a complete record to fulfill a request for patient records, unless a faster response is medically necessary.

(g)(1) A psychologist may permanently dispose of a patient's record in a manner that ensures confidentiality of the records 7 years after the following:

a. Discontinuing business in this State.

b. The last entry date in the patient's record after terminating the patient relationship or the patient changes from the care of the psychologist to another provider.

(2) Seven years after the death of the psychologist, the psychologist's personal representative may permanently dispose of patient records that have not been procured, in a manner that ensures confidentiality of the records.

(3) A psychologist or the personal representative of the psychologist who disposes of patient records in accordance with this section is not liable for any direct or indirect loss suffered as a result of the disposal of a patient's records.

(h) The Board may find that a psychologist who violates this section has committed unprofessional conduct, and any aggrieved patient or the patient's personal representative may bring a civil action for damages or injunctive relief, or both, against the violator.

§ 3522. Appointment of a custodian of patient records.

(a) If the Board receives a formal or informal complaint concerning access to patient records as a result of a psychologist's physical or mental incapacity, death, or abandonment or involuntary discontinuation of a psychology practice in this State, the Board may temporarily or permanently appoint an individual or entity as custodian of the psychologist's patient records after an investigation in accordance with the procedures under § 8735(h) of Title 29.

(b)(1) The custodian of patient records appointed under this section shall notify the psychologist's patients of record of the custodian's appointment by doing all of the following:

a. Publishing a notice to that effect in a newspaper of general circulation in the area where the psychologist practiced. The notice must be published at least 1 time per month in the 3-month period after the custodian's appointment and must explain how a patient can procure the patient's records.

b. Notifying, by first class mail, all patients of record who have not requested their records 30 days after publication of the first notice under paragraph (b)(1)a. of this section that the custodian has been appointed and explaining how the patient can procure the patient's records.

(2) Seven years after being appointed, the custodian may permanently dispose of patient records that have not been procured, in a manner that ensures confidentiality of the records.

(c) A custodian of patient records appointed under this section who disposes of patient records in accordance with the provisions of this section is not liable for any direct or indirect loss suffered as a result of the disposal of a patient's records.

Section 4. Amend Chapter 39, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3921. Treatment records; discontinuation of a practice; termination of a client relationship; death of a licensed clinical social worker.

(a)(1) A licensed clinical social worker licensed under this chapter shall provide notice under this section to all affected clients no less than 30 days before doing any of the following:

a. Discontinuing a social work practice in this State when the licensee is not transferring client records to another provider in this State.

b. Terminating a client relationship.

(2) The notice required under paragraph (a)(1) of this section must include all of the following:

a. How the client can obtain the client's records.

b. The name, phone number, and address of other providers in the area who may be available to accept new clients who require that care.

c. The date the licensed clinical social worker will discontinue services.

(3) The notice required under paragraph (a)(1) of this section must be provided by all of the following:

a. If the client is enrolled to receive messages through an electronic medical record system, an electronic message through that system.

b. A letter sent by first class mail.

(4) When a licensed clinical social worker is closing a social work practice and client records will no longer be available at the licensee's place of business, the licensee shall provide to the Board of Social Work Examiners notice of how former clients may obtain the client's records.

(b)(1) If a licensed clinical social worker dies and has not transferred client records to another provider and has not made provisions for a transfer of client records to occur upon the licensee's death, a personal representative of the licensee's estate shall provide notice to the deceased licensee's clients of record by doing all of the following:

a. Publishing a notice to that effect in a newspaper of general circulation in the area where the deceased licensee practiced. The notice must be published at least 1 time per month in the 3-month period after the licensee's death.

b. Providing notice to all clients of record who have not requested their records 30 days after publication of the first notice under paragraph (b)(1)a. of this section by all of the following:

1. If the client is enrolled to receive messages through an electronic medical record system, an electronic message through that system.

2. A letter sent by first class mail.

(2) The notice required under paragraph (b)(1) of this section must include all of the following:

a. That the licensee has died.

b. How the client can obtain the client's records.

(3) The personal representative of the person's estate shall provide the Board of Social Work Examiners notice of how former clients may obtain the client's records.

(c)(1) If a client changes from the care of a licensed clinical social worker to another provider, the licensee shall transfer the client's records to the new provider upon the request of either the client or the new provider with the client's written consent.

(2) If the client and licensee agree, the licensee may forward a summary of the client's treatment record to the new provider in lieu of transferring the entire record, at no charge to the client.

(d)(1) Clients have the right to obtain a copy of their records from a licensed clinical social worker.

(2) Unless a client is requesting a copy of their records under subsections (a) or (b) of this section or to make or complete an application for a disability benefits program, a client who requests a copy of their records is subject to any of the following charges:

a. The reasonable expenses of copying the client's records, according to the payment schedule under paragraph (d)(3) of this section.

b. The actual cost of postage or shipping, if the records are mailed or shipped.

c. Charges for copies of records not susceptible to photostatic reproduction, such as radiology films, models, photographs, or fetal monitoring strips, may be the full cost of the reproduction.

(3) The Board of Social Work Examiners shall establish a payment schedule for copies of client records under this section and must review this payment schedule annually.

(4) The licensed clinical social worker or their third-party release-of-information service may require payment of all costs under paragraph (d)(2) of this section before providing the copies of the records.

(e) This section does not apply to a licensed clinical social worker who has seen or treated a client on referral from another provider and who has provided a copy of the record of the diagnosis or treatment to at least 1 of the following:

(1) The referring provider.

(2) A hospital or an agency that has provided treatment for the client.

(f) A licensed clinical social worker has 45 days from the closure of the record or the assembly of a complete record to fulfill a request for client records, unless a faster response is medically necessary.

(g)(1) A licensee may permanently dispose of a client's record in a manner that ensures confidentiality of the records 7 years after the following:

a. Discontinuing business in this State.

b. The last entry date in the client's record after terminating the client relationship or the client changes from the care of the licensee to another provider.

(2) Seven years after the death of the licensee, the licensee's personal representative may permanently dispose of client records that have not been procured, in a manner that ensures confidentiality of the records.

(3) A licensed clinical social worker or the personal representative of the estate of a licensed clinical social worker who disposes of client records in accordance with this section is not liable for any direct or indirect loss suffered as a result of the disposal of a client's records.

(h) The Board of Social Work Examiners may find that a licensed clinical social worker who violates this section has committed unprofessional conduct, and any aggrieved client or the client's personal representative may bring a civil action for damages or injunctive relief, or both, against the violator.

§ 3922. Appointment of a custodian of client records.

(a) If the Board of Social Work Examiners receives a formal or informal complaint concerning access to client records as a result of a licensed clinical social worker's physical or mental incapacity, death, or abandonment or involuntary discontinuation of a social work practice in this State, the Board of Social Work Examiners may temporarily or permanently appoint an individual or entity as custodian of the licensed clinical social worker's client records after an investigation in accordance with the procedure under § 8735(h) of Title 29.

(b)(1) The custodian of client records appointed under this section shall notify the licensed clinical social worker's clients of record of the custodian's appointment by doing all of the following:

a. Publishing a notice to that effect in a newspaper of general circulation in the area where the licensed clinical social worker practiced. The notice must be published at least 1 time per month in the 3-month period after the custodian's appointment and must explain how a client can procure the client's records.

b. Notifying, by first class mail, all clients of record who have not requested their records 30 days after publication of the first notice under paragraph (b)(1)a. of this section that the custodian has been appointed and explaining how the client can procure the client's records.

(2) Seven years after being appointed, the custodian may permanently dispose of client records that have not been procured, in a manner that ensures confidentiality of the records.

(c) A custodian of client records appointed under this section who disposes of client records in accordance with the provisions of this section is not liable for any direct or indirect loss suffered as a result of the disposal of a client's records.

Section 5. Amend § 1930, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1930. Duty to report conduct that constitutes grounds for discipline or inability to practice.

(a) Every person to whom a license to practice has been issued under this chapter has a duty to report to the Division of Professional Regulation in writing information that the licensee reasonably believes indicates that any other practitioner licensed under this ~~chapter~~ chapter, or any other ~~healthcare provider~~ health-care provider, has engaged in or is engaging in conduct that would constitute grounds for disciplinary action under this chapter or the other ~~healthcare~~ health-care provider's licensing statute.

(b) Every person to whom a license to practice has been issued under this chapter has a duty to report to the Division of Professional Regulation in writing information that the licensee reasonably believes indicates that any other practitioner licensed under this ~~chapter~~ chapter, or any other ~~healthcare provider~~ health-care provider, may be unable to practice with reasonable skill and safety to the public ~~by reason of: mental~~ for any of the following reasons:

(1) Mental illness or mental ~~incompetence; physical~~ incompetence.

(2) Physical illness, including deterioration through the aging process or loss of motor ~~skill; or excessive~~ skill.

(3) Excessive abuse of drugs, including alcohol.

Section 6. Amend § 3018, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3018. Duty to report conduct that constitutes grounds for discipline or inability to practice.

(a) Every person to whom a license to practice has been issued under this chapter has a duty to report to the Division of Professional Regulation in writing information that the licensee reasonably believes indicates that any other practitioner licensed under ~~chapter~~ chapter, or any other ~~healthcare provider~~ health-care provider, has engaged in or is engaging in conduct that would constitute grounds for disciplinary action under this chapter or the other ~~healthcare~~ health-care provider's licensing statute.

(b) Every person to whom a license to practice has been issued under this chapter has a duty to report to the Division of Professional Regulation in writing information that the licensee reasonably believes indicates that any other practitioner licensed under this ~~chapter~~ chapter, or any other ~~healthcare provider~~ health-care provider, may be unable to practice with reasonable skill and safety to the public ~~by reason of: mental~~ for any of the following reasons:

(1) Mental illness or mental ~~incompetence; physical~~ incompetence.

(2) Physical illness, including deterioration through the aging process or loss of motor ~~skill; or excessive~~ skill.

(3) Excessive abuse of drugs, including alcohol.

Section 7. Amend § 3518A, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3518A. Duty to report conduct that constitutes grounds for discipline or inability to practice.

(a) Every person to whom a license to practice has been issued under this chapter has a duty to report to the Division of Professional Regulation in writing information that the licensee reasonably believes indicates that any other practitioner licensed under this ~~chapter~~ chapter, or any other ~~healthcare provider~~ health-care provider, has engaged in or is engaging in conduct that would constitute grounds for disciplinary action under this chapter or the other ~~healthcare~~ health-care provider's licensing statute.

(b) Every person to whom a license to practice has been issued under this chapter has a duty to report to the Division of Professional Regulation in writing information that the licensee reasonably believes indicates that any other practitioner licensed under this ~~chapter~~ chapter, or any other ~~healthcare provider~~ health-care provider, may be unable to practice with reasonable skill and safety to the public ~~by reason of: mental~~ for any of the following reasons:

(1) Mental illness or mental ~~incompetence; physical~~ incompetence.

(2) Physical illness, including deterioration through the aging process or loss of motor ~~skill; or excessive~~ skill.

(3) Excessive abuse of drugs, including alcohol.

Section 8. Amend § 3919, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3919. Duty to report conduct that constitutes grounds for discipline or inability to practice.

(a) A licensee to whom a license to practice has been issued under this chapter has a duty to report to the Division in writing information that the licensee reasonably believes indicates any of the following:

(1) That any other ~~licensee~~ licensee, or any other ~~healthcare provider~~ health-care provider, has engaged in or is engaging in conduct that would constitute grounds for disciplinary action under this chapter or the other ~~healthcare~~ health-care provider's licensing statute.

(2) That any other ~~licensee~~ licensee, or any other ~~healthcare provider~~ health-care provider, may be unable to practice with reasonable skill and safety to the public for any of the following reasons:

Section 9. This Act takes effect 6 months after its enactment into law.