SPONSOR: Sen. S. McBride & Rep. Longhurst
Sens. Buckson, Hansen, Hoffner, Pinkney, Poore, Walsh;
Reps. Baumbach, Chukwuocha, Harris, Heffernan,
Morrison, Parker Selby

DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE JOINT RESOLUTION NO. 6
AS AMENDED BY
HOUSE AMENDMENT NO. 1

DIRECTING CERTAIN PROFESSIONAL LICENSURE BOARDS TO REVIEW AND REVISE APPLICATIONS FOR COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT AND DIRECTING THE LICENSURE BOARDS AND THE DEPARTMENT OF JUSTICE TO PROVIDE REPORTS.

WHEREAS, while there are significant public policy interests in protecting the safety of patients and the general public, we must also ensure that members of our health care workforce are able to seek appropriate treatment for mental health conditions without facing undue stigma and potentially putting their professional license in jeopardy; and

WHEREAS, the Delaware General Assembly, recognizing this concern with respect to physician licensure application questions required under Delaware law, unanimously voted to approve Senate Bill 300, An Act to Amend Title 24 of the Delaware Code Relating to Medical Practice; and

WHEREAS, there is growing consensus that maintaining longstanding practices regarding state professional licensure requirements that require applicants to answer intrusive and unnecessary questions regarding behavioral health conditions, regardless of (i) an applicant's present state of functional impairment and (ii) assessment of an applicant's ability to perform the requirements of the job with or without a reasonable accommodation granted by an employer, likely do not meet the requirements of the Americans with Disabilities Act of 1990 (Pub. L. 101-336. 26 July 1990).

NOW, THEREFORE:

BE IT RESOLVED by the Senate and House of Representatives of the 152nd General Assembly of the State of Delaware, with the approval of the Governor, that the following Title 24 health care professional licensure boards shall review all existing licensure, certification, and registration applications to revise any existing questions pertaining to mental health conditions that are not necessary to assess the current state of an applicant's functional impairment to ensure that they are compliant with the requirements of the Americans with Disabilities Act no later than January 31, 2025:

(1) The Board of Podiatry (24 Del. C. Ch. 5)

(2) The Board of Chiropractic (24 Del C. Ch. 7)

(3) The Board of Dentistry and Dental Hygiene (24 Del. C. Ch. 11)

(4) The Board of Medical Licensure and Discipline (24 Del. C. Ch. 17)

SD : MD : ALW : 2711520060 Released: 06/30/2024 04:08 PM
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(5) The Board of Nursing (24 Del. C. Ch. 19)

(6) The Board of Occupational Therapy Practice (24 Del. C. Ch. 20)

(7) The Board of Examiners in Optometry (24 Del. C. Ch. 21)

(8) The Board of Pharmacy (24 Del. C. Ch. 25)

(9) The Examining Board of Physical Therapists and Athletic Trainers (24 Del. C. Ch. 26)

(10) The Board of Mental Health and Chemical Dependency Professionals (24 Del. C. Ch. 30)

(11) The Board of Examiners of Psychologists (24 Del. C. Ch. 35)

(12) The Board of Speech/Language Pathologists, Audiologists and Hearing Aid Dispensers (24 Del. C. Ch. 37)

(13) The Board of Dietetics/Nutrition (24 Del C. Ch. 38).

BE IT FURTHER RESOLVED that each respective health care professional licensure board listed above and the Division of Professional Regulation shall submit a report to the General Assembly on or before February 28, 2025, regarding the review required under this act and certifying that the board has completed the process of making its application compliant with the Americans with Disabilities Act.