



SPONSOR: Rep. Schwartzkopf & Rep. Longhurst & Sen. Henry & Sen. McDowell;
Reps. Atkins, Barbieri, Bennett, Brady, Carson, George, Gilligan, Jaques, J. Johnson, Q. Johnson, Keeley, Kowalko, Mitchell, Mulrooney, Plant, Schooley, Scott, B. Short, Viola, Walls, D.E. Williams, D.P. Williams, Briggs King, Cathcart, Hudson, Oberle, D. Short, Thornburg, Blakey, Carey, Hocker, Kovach, Lee, Manolacos, Miro, Outten, Ramone, Wilson; Sens. Blevins, Bunting, Bushweller, Cook, DeLuca, Ennis, Hall-Long, Katz, Marshall, McBride, Peterson, Sokola, Venables, Booth, Cloutier, Connor, Sorenson

HOUSE OF REPRESENTATIVES
145th GENERAL ASSEMBLY

HOUSE BILL NO. 456

AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE TREATMENT OF MINORS BY PHYSICIANS UNDER THE MEDICAL PRACTICE ACT.

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

1 Section 1. Amend § 1731(b), Title 24 of the Delaware Code by striking the period at the end of the last
2 subsection, substituting in lieu thereof "; and", and adding a new subsection (22) or otherwise as the next numbered
3 subsection as follows:

4 "(22) Wilful failure to comply with § 1769B of this chapter."

5 Section 2. Amend Chapter 17 of Title 24 of the Delaware Code by inserting the following new subsection §
6 1769B.

7 "§ 1769B. Treatment or Examination of Minors.

8 A parent, guardian or other caretaker, or an adult staff member, shall be present when a person licensed under this
9 chapter provides treatment to a minor patient who is disrobed or partially disrobed or during a physical examination
10 involving the breasts, genitalia or rectum, regardless of sex of the licensed person and patient, except when rendering care
11 during an emergency. When using an adult staff member to observe the treatment or examination, the adult staff member
12 shall be of the same gender as the patient when practicable. For the purposes of this section, "minor" is defined as a person
13 fifteen years of age or younger, and the term "adult staff member" is defined as a person eighteen years of age or older who
14 is acting under the direction of the licensed person or the employer of the licensed person or who is otherwise licensed
15 under this chapter."

SYNOPSIS

This act would require a physician or physician's assistant treating a person 15 years of age or younger to have another adult in the room when that child is disrobed, partially disrobed or otherwise undergoing certain physical examinations. That additional adult may be either a family member or other caretaker, or an adult staff member or colleague of the licensee.

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