



SPONSOR: Rep. B. Short & Sen. Henry
Reps. Q. Johnson, Schooley; Sens. Bushweller, Blevins

HOUSE OF REPRESENTATIVES
146th GENERAL ASSEMBLY

HOUSE BILL NO. 144

AN ACT TO AMEND TITLE 16 AND 24 OF THE DELAWARE CODE RELATING TO FACILITIES WHERE
INVASIVE MEDICAL PROCEDURES ARE PERFORMED.

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

1 Section 1. Amend § 122(3)y.3.E., Title 16 of the Delaware Code by inserting after the language "hereunder," and
2 before the word "as" the language "or such person's spouse,".

3 Section 2. Amend §122(3), Title 16 of the Delaware Code by adding a new paragraph thereto as follows:

4 "z. Establish standards for a facility accreditation program.

5 1. To operate in this State, any facility not licensed by the Department where invasive medical
6 procedures are performed must maintain accreditation by an accrediting organization approved by the Department. For
7 purposes of this section, the terms 'facility' and 'invasive medical procedure' shall have the meanings set forth in §122(3)y.
8 of this title. All such offices or facilities must register with the Department utilizing a form created for this purpose by the
9 Department.

10 2. All facilities in operation as of the effective date of this Act where invasive medical procedures are
11 performed shall submit proof of the facility's accreditation, or application for same, to the Department within 6 months of
12 the adoption of regulations by the Department hereunder. Any facility where invasive medical procedures are performed
13 which shall become operational following the effective date of this Act shall submit proof of the facility's accreditation to
14 the Department within 12 months of first day of operation of such facility.

15 3. After each survey of any facility hereunder by an approved accrediting organization, the facility must
16 submit the accrediting organization's survey report to the Department within 30 days in a form satisfactory to the
17 Department.

18 4. If the facility fails to maintain current accreditation or if the accreditation is revoked or is otherwise no
19 longer valid, the facility shall immediately cease to operate.

20 5. The Department shall promulgate regulations pursuant to this paragraph, and shall form a stakeholder
21 group for the purposes of advising the Department on the content of the regulations. The stakeholder group shall be chaired
22 by the Director of Public Health or his or her designees, and shall include, but not be limited to, the following: the Director

of the Division of Professional Regulations, or his or her designee; the Director of Health Facilities Licensing and Certification, or his or her designee; four representatives from the physician community, to be appointed by the Medical Society of Delaware, whose specialties include, but are not limited to: Dermatology, Plastic Surgery, Anesthesia and Pain Management; a representative from the Delaware Podiatric Medical Association; a representative from the Delaware State Dental Society; a representative from the Delaware chapter of the American College of Obstetricians and Gynecologists; a representative from the Delaware Chapter of the American College of Surgeons; and one or more members of the public who shall represent the interests of patients.

6. No later than March 31, 2012, the Department shall adopt regulations for the accreditation program herein described.”.

Section 3. Amend Title 24 of the Delaware Code by adding a new section as follows:

“§ 1705. Accreditation of facilities where invasive procedures are performed.

No person licensed under the Medical Practice Act shall perform any invasive medical procedure, as defined in §122(3)y. of Title 16, in a facility unless such facility is accredited or licensed in accordance with §122(3)z. of Title 16. For purposes of this section, the terms ‘facility’ and ‘invasive medical procedure’ shall have the meanings set forth in §122(3)y. of Title 16.”.

Section 4. Amend Title 24 of the Delaware Code by adding a new section as follows:

“§ 1138. Accreditation of facilities where invasive procedures are performed.

No person licensed under this chapter shall perform any invasive procedure, as defined in §122(3)y. of Title 16, in a facility unless such facility is accredited or licensed in accordance with §122(3)z. of Title 16. For purposes of this section, the terms ‘facility’ and ‘invasive medical procedure’ shall have the meanings set forth in §122(3)y. of Title 16.”.

Section 5. Amend Title 24 of the Delaware Code by adding a new section as follows:

“§ 521. Accreditation of facilities where invasive procedures are performed.

No person licensed under this chapter shall perform any invasive procedure, as defined in §122(3)y. of Title 16, in a facility unless it is accredited or licensed in accordance with §122(3)z. of Title 16. For purposes of this section, the terms ‘facility’ and ‘invasive medical procedure’ shall have the meanings set forth in §122(3)y. of Title 16.”.

SYNOPSIS

This bill allows for a person's spouse to file a complaint concerning unsafe or unsanitary conditions at facilities where invasive medical procedures are performed. The Bill gives the Department of Health and Social Services the authority to require accreditation for medical facilities that perform invasive medical procedures. It also gives DHSS the authority to promulgate regulations for accreditation. The Bill requires that DHSS work with stakeholders in the development of the regulations and it outlines who those stakeholders should be. Finally, the Bill prohibits individuals licensed under Chapters 5, 11 and 17 of Title 24 from working in any facility where invasive medical procedures are performed unless the facility is licensed or accredited.