SPONSOR: Rep. Atkins & Sen. Hocker & Sen. Venables
Reps. Briggs King, Heffernan, Keeley, M. Smith; Sens. Ennis, Henry, Poore

HOUSE OF REPRESENTATIVES
147th GENERAL ASSEMBLY

HOUSE BILL NO. 360

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE POWERS, DUTIES, REGULATIONS AND ORDERS OF THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES.

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

Section 1. Amend § 122(3), Title 16 of the Delaware Code by making deletions as shown by strike through and insertions shown by underline as follows and re-letter accordingly:

§ 122 Powers and duties of the Department of Health and Social Services.

The Department shall have the following general powers and duties:

(1) Supervision of all matters relating to the preservation of the life and health of the people of the State.

(2) Supreme authority in matters of quarantine; it may declare and enforce such quarantine, when necessary and where no quarantine exists, and may modify, relax or abolish it, where it has been established.

(3) Adopt, promulgate, amend, and repeal regulations consistent with law, which regulations shall not extend, modify or conflict with any law of this State or the reasonable implications thereof, and which shall be enforced by all state and local public health officials, to:

(aa) Establish standards for quality assurance in the operation of dialysis centers, which shall include but not be limited to a standard requirement for appropriate emergency energy sources capable of use for at least 48 hours and at least a monthly test of those emergency sources. For purposes of this section, a "dialysis center" means a facility approved to furnish outpatient dialysis services directly to end stage renal disease (ESRD) patients. Outpatient dialysis includes staff-assisted dialysis (dialysis performed by the staff of the facility) and self-dialysis (dialysis performed with little or no professional assistance by an ESRD patient who has completed an appropriate course of training). ESRD is that stage of renal impairment that appears irreversible and permanent, and requires a regular course of dialysis or kidney transplantation to maintain life.

Section 2: This Act shall become effective 6 months after the date of its enactment.

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SYNOPSIS

This bill promotes the safety and welfare of our State's growing number of patients who use dialysis centers. The bill enables and requires the Department of Health and Social Services to create standards for those centers. A direct concern expressly addressed in the bill is the lack of emergency energy sources, which may leave some patients with the need to hand-crank a machine in order to retrieve their blood.