

**DAVID S. BENTZ**  
STATE REPRESENTATIVE  
18<sup>TH</sup> District



HOUSE OF REPRESENTATIVES  
STATE OF DELAWARE  
LEGISLATIVE HALL  
DOVER, DELAWARE 19901

COMMITTEES  
Health & Human Development,  
Chair  
Agriculture  
Education  
Natural Resources  
Energy  
Labor

**Health & Human Development Committee Meeting Minutes  
6.13.18**

Chair Bentz called the meeting to order at 3:01. Members present include Vice-Chair Heffernan, and Reps. Matthews, Jaques, Kowalko, Lynn, Williams, Osienski, Miro, Kenton, Hensley, and Yearick.

For a list of speakers present, please see below.

Rep Dukes introduced **HB 459, AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO CHILD SUPPORT LIENS ON INSURANCE CLAIM PAYMENTS**. He explained this act requires insurers to check if an individual owes child support arrears before making a payment to the individual and permits the Division of Child Support Services to attach a lien to an insurance payment awarded pursuant to a settlement or award.

Rep. Yearick questioned whether insurance claims would include car accidents.

Rep Dukes stated it would not be included.

Rep. Heffernan expressed support for this bill.

Chair Bentz requested a motion. A motion was made by Rep. Jaques and seconded by Rep. Osienski to release HB 459 from committee; motion carried. Yes = 9 (Bentz, Heffernan, Jaques, Lynn, Williams, Osienski, Kenton, Hensley, and Yearick); No = 0; Absent= 5 (Baumbach, Matthews, Kowalko, Miro, and Briggs King). The bill was released from committee with an F=2, M=10, U=0 vote.

Rep Jaques introduced **HB 456, AN ACT TO AMEND TITLES 14, 16, 17, 26, AND 29 OF THE DELAWARE CODE RELATING TO THE USE OF LEAD PAINTS ON OUTDOOR STRUCTURES**. He explained this act makes changes to prohibit the use of lead paints on outdoor structures such as bridges, water towers, playground equipment, highways, parking lots, and utility towers and poles, in order to protect public health from the dangers of such paints.

Rep Hensley questioned how existing structures with lead based paint would be impacted by this bill.

Rep. Jaques explained this bill would not impact these structures and the appropriate agencies are taking care of redoing these structures.

Chair Bentz opened the floor to public comment

Amy Roe, Delaware Resident, provided letters of support attached below.

Nancy Willing from the Civic League for New Castle County, expressed support for HB 456.

Chair Bentz requested a motion. A motion was made by Rep. Williams and seconded by Rep. Lynn to release HB 456 from committee; motion carried. Yes = 9 (Bentz, Heffernan, Jaques, Lynn, Williams, Osienski, Miro, Kenton, and

Hensley); No = 0; Absent= 4 (Baumbach, Matthews, Kowalko, and Briggs King). The bill was released from committee with an F= 0, M=12, U=0 vote.

Chair Bentz introduced **SB 206, AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE PRESCRIPTION MONITORING PROGRAM**. He explained this act links specific patient care data related to overdose collected by the Office of Emergency Medical Services or the Office of the State Epidemiologist with data in the Delaware Prescription Monitoring Program (“PMP”). This Act will foster best practices in the use of health information, to ensure that consistent, humane, evidence-based treatment and care is available and provided to those suffering from substance use disorder or non-fatal overdose. This Act also provides prescriber and dispenser identified data to the PMP Advisory Committee and the Addiction Action Committee.

Chair Bentz requested a motion. A motion was made by Rep. Jaques and seconded by Rep. Kowalko to release SB 206 from committee; motion carried. Yes = 11 (Bentz, Heffernan, Matthews, Jaques, Lynn, Williams, Osienski, Miro, Kenton, Hensley, and Yearick); No = 0; Absent= 3 (Baumbach, Kowalko, and Briggs King). The bill was released from committee with an F= 0, M=10, U=0 vote.

Rep. Matthews introduced **HB 431, AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO LONG-TERM CARE FACILITIES**. He explained this Act requires long-term care facilities to offer the influenza vaccine to all employees with direct contact with patients. Additionally, this bill requires the facility to keep a record of a signed statement from each employee that the vaccine has been offered.

Rep. Hensley asked for clarification as to what facilities are considered as long term care facilities.

Rep. Matthews stated long term care facilities such as nursing homes would be included under this act. He stated he is willing to place an amendment with the bill to clarify what would be included under long term care facilities.

Rep. Yearick questioned if hospitals would be included under this act.

Rep. Bentz stated hospitals already have guidelines they follow. He explained this act would be closing a gap in policy to make sure long term care facilities are following best practice.

Chair Bentz opened up the floor for public comment. Seeing none, he requested a motion.

A motion was made by Rep. Miro and seconded by Rep. Hensley to release HB 431 from committee; motion carried. Yes = 11 (Bentz, Heffernan, Matthews, Jaques, Lynn, Williams, Osienski, Miro, Kenton, Hensley, and Yearick); No = 0; Absent= 3 (Baumbach, Kowalko, and Briggs King). The bill was released from committee with an F= 0, M=12, U=0 vote.

Rep Smith introduced **HS 1 for HB 104 w/ HA 1, AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO SERVICES FOR ADULTS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES**. She explained this bill would mandate an increase in the rates paid to service providers according to the recommendations of the market study, so that by fiscal year 2021 the state would fund service providers at 100% of the benchmarked rate. The bill also requires that the adequacy of the rate system be evaluated against performance measures that are commonly used to assess program quality. Rep. Smith explained the amendment states the intent to phase in increases to the rate system for services to adults with intellectual and developmental disabilities subject to available funding. She explained the bill has been named the Michael McNesby Full Funding for Adults with IDD Act after Michael McNesby who has advocated on behalf of himself and others with IDD.

Rep. Matthews expressed his support for the bill.

Rep. Lynn stated he has received much support from constituents and expressed his own support for this legislation.

Rep. Jaques explained him and his wife have been involved in with the Special Olympics and Easter Seals for many years, and has witnessed many adults with disabilities facing challenges throughout life. He recommended the state's budget be reevaluated and more money be allocated to this act.

Rep. Heffernan thanked Rep. Smith for bringing this bill forward.

Rep. Osienski thanked Rep. Smith and expressed support for this bill.

Rep. Kowalko commended Rep. Smith and agreed this bill should receive full funding.

Rep. Yearick thanked Rep. Smith for all of her hard work on this bill.

Rep. Miro stated many of his constituents would benefit from this bill, and hopes to see this bill fully funded by 2021.

Rep. Baumbach thanked Rep. Smith for bringing this bill forward. He stated he was told part of the financial compromise in this bill meant that some people would be benefitting, however, others would not.

Rep. Smith stated she would defer to Delaware Health and Social Services and get back to him on this.

Rep. Baumbach responded that he would like to see everyone receive the same level of benefits.

Rep. Smith agreed with Rep. Baumbach.

Rep. Hensley thanked Rep. Smith and stated that this bill personally impacts him. He shared a story of a direct support provider who was living out of her car due to low wages and the inability to afford appropriate housing. Nonetheless, this DSP loved what she did and continued to give back to this population.

Rep. Smith thanked her colleagues for the massive amounts of supports, and would like to thank all advocates for coming today.

Chair Bentz opened up the floor for public comment.

Micki Edelsohn, Founder of Homes for Life Foundation encouraged the committee to release HS 1 for HB 104 w/ HA 1.

Thomas Cook, Executive Director of the Ability Network of Delaware, provided public testimony attached below.

Jeffery Gosner, Board Chair of Easter Seals of Delaware provided public testimony attached below.

Verna Hensley of Easter Seals provided a statement on behalf of Jim and Patty Clark, which is attached below.

Teesie Bonk and Joe McNesbey, sister and brother of Michael McNesby thanked the health committee and joint finance committee for all their work on this bill.

Chair Bentz requested a motion. A motion was made by Rep. Jaques and seconded by Rep. Kowalko to release HS 1 for HB 104 w/ HA 1 from committee; motion carried. Yes = 9 (Bentz, Heffernan, Matthews, Jaques, Lynn, Miro, Kenton, Hensley, and Yearick); No = 0; Absent= 3 (Baumbach, Kowalko, Williams, Osienski and Briggs King). The bill was released from committee with an F= 0, M=10, U=0 vote.

Chair Bentz adjourned the meeting at 4:34 p.m.

Respectfully submitted by:

Juliann Emory

**Attendance List**

Amy Row, Delaware Resident

Micki Edelson, Founder, Homes for Life Foundation

Thomas Cook, Executive Director, Ability Network of Delaware

Jeffrey Gosner, Board Chair, Easter Seals Delaware

Verna Hensley, Delaware Resident

Teesie Bonk, Sister of Michael McNesby

Joe McNesby Brother of Michael McNesby

Nancy Willing, Lobbyist, Civic League New Castle County