

Bryan Townsend
Majority Whip
STATE SENATOR
11th District



SENATE
STATE OF DELAWARE
411 LEGISLATIVE AVENUE
DOVER, DELAWARE 19901

Senate Health & Social Services Minutes

Wednesday, January 15, 2020

2:30 p.m.

Senate Hearing Room, 2nd Floor
Legislative Hall

Committee Members Present:

Senator Bryan Townsend, Chair
Senator Nicole Poore, Vice-Chair
Senator Stephanie L. Hansen
Senator Ernesto B. Lopez
Senator Brian Pettyjohn

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Attendees:

Dr. Michelle Crosier, Delaware Veterinary Medical Association
Dr. Karen Lopez, Delaware Department of Agriculture
Nikko Brady, Delaware Department of Agriculture
Robert Ray
David Deputy, House Minority Caucus
Sheila Grant, AARP
Priscilla Johnson, AARP
Ayanna Harrison, Department of Health and Social Services/Delaware Health Care Commission
Christine Schultz
Craig Stonesifer, Delaware Veterinary Medical Association
Carl Haws, AARP
John Walsh, AARP
Chuck Schonder, AARP
Jerline Foye, AARP
Stacy Haddock Schiller
Al Casapulla
G. Howard-Blunt, AARP
Kythe R., AARP

Agenda:

Draft meeting minutes to be reviewed/approved
SB 194
SB 200
SB 201
HB 214 w/ HA 1, HA 2

Senator Townsend convened the meeting at 2:34pm.

The draft meeting minutes were approved.

SB 194 (Townsend) - AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO MARRIAGE LICENSE APPLICATION.

SYNOPSIS: This Act removes the requirement that applicants for a marriage license state their race as part of the application process. Delaware is one of a small number of states that currently requires this information. In October 2019, the United States District Court for the Eastern District of Virginia ruled that requiring marriage license applicants to provide their race violates the United States Constitution. In Delaware, the Clerks of the Peace, who are the points of data collection, have expressed support for this Act, as has the Office of Vital Statistics in the Department of Health and Social Services. The National Center for Health Statistics ("NCHS") has not requested detailed information from states regarding marriage and divorce since 1996. NCHS only requires states to provide the total number of marriages that occur each month.

Senator Townsend summarized the legislation.

Senator Pettyjohn asked that he be added to the bill as a cosponsor.

Senator Hansen commented that the genealogists that met on this bill agree that the question of race does not serve a useful purpose at this point and they have no issue with the bill.

The bill was circulated for signatures at 2:37 pm. It was released with F:4, M:0, U:0.

SB 200 (Townsend) - AN ACT TO AMEND THE DELAWARE CODE RELATING TO THE DELAWARE HEALTH INFORMATION NETWORK

SYNOPSIS: This Act supports the ongoing work of the Primary Care Reform Collaborative to achieve better health for Delawareans at a lower cost by facilitating the sharing of de-identified health expenditure information and fostering transparency that is critical to the effective delivery of primary care in Delaware. Specifically, this Act requires the Delaware Health Information Network (DHIN) to provide access to the Delaware Health Care Claims Database to 2 additional state agencies, the Department of Insurance and Delaware Health Care Commission. In adding these state agencies to the existing list, this Act makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

Senator Townsend summarized the legislation. He also stated that an amendment is being prepared to clarify other items.

Senator Poore expressed her support for the bill, including that this bill is monumental and that she is always in favor of the DHIN.

Senator Townsend noted that the reason the legislation is being done is because adding the Department of Insurance and the Delaware Health Care Commission to pull data from the DHIN is in furtherance of the Primary Care Reform Collaborative in trying to improve primary care in Delaware.

Stacey Haddock Schiller from DHIN expressed their support for the legislation but stated that there are long-term funding needs that need to be addressed to ensure the success and continued viability of the Health Care Claims Database.

Senator Townsend said that it is important that as a legislature they are providing the kinds of supports that are needed for it to continue to be sustained. He also stated that an amendment is being prepared.

The bill was circulated for signatures at 2:42 pm. It was released with F:0, M:4, U:0.

SB 201 w/ SA 1 (Townsend) – AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO PERINATAL QUALITY COLLABORATIVE.

SYNOPSIS: This Act makes additional technical changes to Senate Bill No. 122 and Senate Substitute No. 1 for Senate Bill No. 122. The Senate Substitute unanimously passed both chambers during the 1st Session of the 150th General Assembly. Section 1 of this Act creates the Delaware Perinatal Quality Collaborative to improve pregnancy outcomes for women and newborns and such issues as obstetrical blood loss management, pregnant women with substance use disorder, infants impacted by neonatal abstinence syndrome, and advancing evidence-based clinical practices and processes through quality care review, audit, and continuous quality improvement. Section 2 of this Act establishes the Chair of the Delaware Healthy Mother and Infant Consortium as the temporary chair of the Collaborative to guide the Collaborative's initial organization.

SA 1 (Townsend): This Amendment makes technical corrections.

Senator Townsend summarized the legislation. He added that there is an Amendment that makes technical corrections, but the paper copy was not attached for the meeting.

Senator Poore asked if Senator Townsend knew how much is paid for members to participate in Collaborative.

Senator Townsend responded he does not know off the top of his head. He included this is the first he is hearing that participation is paid. He asked if anyone involved in the Delaware Healthy Mother and Infant Consortium (DHMIC) knew the answer.

Gary Grant from DHMIC answered that members would be compensated.

Senator Poore read the sentence on compensation for membership aloud. She asked what funds the legislature has in this and how much is being paid out.

Senator Townsend said that the answer is zero.

Senator Poore clarified by asking if there were zero funds and zero payout.

Gary Grant said that they have a grant from the federal government to provide the services being done. He clarified that the grant does cover membership and that members are not paid anything.

Senator Poore asked if they can be reimbursed for reasonable and necessary expenses.

Gary Grant explained expenses like required travel for meetings and site visits would be covered.

Senator Townsend apologized for not having the Amendment with technical changes present.

The bill was circulated for signatures at 2:46 pm. It was released with F:0, M:4, U:0.

HB 214 w/ HA 1, HA 2 (Gray) – AN ACT TO AMEND TITLES 3 AND 16 OF THE DELAWARE CODE RELATING TO RABIES AND OTHER VACCINATION REQUIREMENTS, AND LICENSING.

SYNOPSIS: This Act supports veterinarians in their effort to protect people from rabies and to ensure the welfare of animals. This Act enables licensed veterinarians to exempt an animal from the mandated rabies vaccination, if the veterinarian determines, based on their professional judgement, that the vaccine would endanger the animal's health and a titer test may be administered to assist in determining the necessity of the vaccine.

HA 1 (Gray): This amendment removes the word "age" from the bill. As written, an animal's "age" would be a reason to exempt the animal from vaccination. As amended, the exemption would be based upon infirmity, disability, illness, or other medical consideration, but not age.

HA 2 (Gray): This amendment clarifies that in determining if an exemption from a rabies vaccination should be permitted, a titer test may be administered at the discretion of the veterinarian.

Representative Gray summarized the legislation. He shared a constituent's personal story that inspired the piece of legislation. He added they tried to pass this bill a couple of years ago. He said the bill affects many organizations including the Department of Agriculture, Office of Animal Welfare, and the Department of Health and Social Services because of the seriousness of rabies. He added that the bill not only affects dogs, but also cats and ferrets.

Senator Hansen asked if there were any veterinarians present.

Representative Gray responded that there are.

Senator Hansen said that she wanted to know what the veterinary community thinks about the bill.

Scott Kidner said that he was going to let Dr. Crozier explain, but that it is under the discretion of the doctor and that it is not an automatic exemption.

Dr. Crozier said that there is a strong concern for rabies and that they want to make sure that as many animals as possible are vaccinated as can be. She said that if there are exemptions, they are few and far between. She said that this bill provides those select cases with a formal protocol. She said the bill does not grant an indefinite exemption and that it is veterinarian driven, not client driven.

Senator Poore asked who holds the liability if a person is bit.

Scott Kidner and Dr. Crozier responded that they cannot answer that as they are not lawyers.

Senator Poore responded that she has two dogs herself and one recently had a reaction to a vaccine. She said she understands but would like to know who holds the liability between the owner and the veterinarian.

Scott Kidner and Dr. Crozier responded that they cannot provide that information.

Al Casapulla asked if he could speak.

Senator Poore asked if there was an attorney present in the room.

Senator Hansen said that she is not giving legal advice, but that she would think as a citizen, if the decision to not vaccinate a dog is made by a professional and it is wrong, that would fall to the malpractice liability insurance. However, she said she would think if a dog was running at-large and bit someone, then that is a different circumstance.

Representative Gray said that normally when an animal receives a rabies shot, they can wait three years until the next one. Under this bill, if there is a waiver, it is only good for one year. He said that the bill gives the veterinarians a cover as well because previously, if they did allow an exemption, they did not have any protection.

Senator Hansen expressed that she was not aware that the rabies vaccine was dangerous to some animals. She said that she had heard of issues only concerning combinations of numerous vaccines rather than the rabies vaccine itself. She asked if the problem is the rabies vaccine itself.

Dr. Crozier answered any vaccine or combination of vaccines can cause an adverse reaction. She said this is also possible even if the animal has had the vaccine before. She added the reason that only rabies is explicitly addressed in the bill is because a rabies vaccine is the only vaccine that veterinarians are legally required to administer.

Senator Hansen asked if they should be looking at the combination. Senator Hansen said that her understanding is that it's the combination of many different vaccines that's a problem for pets. She added that pet owners are trusting the veterinarian to decide what the animal's needs are at any particular time. If a veterinarian decides an animal needs multiple vaccines, they get all of them.

Dr. Crozier responded that she thinks that opens a wide door because when children are taken to the pediatrician they can get multiple vaccines in one day. She said she does not think the combination of vaccines is an issue specific to the veterinary community.

Al Casapulla expressed his support for the bill. He said it was designed to not only protect pets, but also veterinarians. He shared a personal story about the death of his dog when expressing his support of the bill. He also added that in order to see if a pet needs the rabies vaccine, a titer test may be administered.

Senator Hansen asked what a titer test does.

Dr. Lopez from the Department of Agriculture explained that the CDC does not support a titer as being indicative of immunity against rabies because it does not represent a picture of the whole immune system. Her concern was that having the titer test mentioned in the bill may give pet owners a false sense of security that their pet is immune from rabies. She added that she thinks there needs to be education when there is an exemption. She said as the law is written currently, veterinarians are not penalized for not administering the rabies vaccine. She added if a pet owner has their pet running at-large and they are unvaccinated, the owner would be fined \$25-\$50 dollars.

Senator Hansen asked if there was a way to see if an animal is immune to rabies.

Dr. Lopez answered that there was not. She said the CDC does not recognize a titer test as an acceptable substitute for a rabies vaccination.

Representative Gray clarified that there are several criteria when considering an exemption. He added the bill is supposed to bring some clarity and awareness to the rabies situation. He mentioned the titer test is clarified in HA 2.

Senator Lopez expressed his support for the bill.

Senator Townsend asked Dr. Crozier and Scott Kidner what the DVMA's position is on the bill.

Scott Kidner responded given the amendments, the DVMA is now neutral on the legislation.

Senator Townsend asked Dr. Lopez if the point she made earlier about the CDC and titer was just educational.

Dr. Lopez answered that the point was made for an educational reason. Her only concern was that it could give pet owners a false sense of security. She added if the DVMA is comfortable with the language as it stands, the Department of Agriculture is also comfortable.

Senator Pettyjohn clarified a titer test may be administered to assist if there should be an exemption. He added that a titer test is more of a guide than a determinant.

Dr. Lopez responded yes.

Senator Townsend asked if there were any other questions.

Senator Townsend adjourned the meeting at 3:13 pm.