



**HOUSE OF REPRESENTATIVES
STATE OF DELAWARE
411 LEGISLATIVE AVENUE
DOVER, DELAWARE 19901**

COMMITTEES
Sunset, Chair
Legislative Oversight & Sunset, Vice-Chair
Agriculture
Economic Development, Banking,
Insurance & Commerce
Judiciary
Revenue & Finance
Transportation, Land Use & Infrastructure
Veterans Affairs

House Sunset Committee Meeting Minutes
4.28.21

Chair Dorsey Walker called the meeting to order at 3:00 p.m. She stated that the meeting was planned in accordance with HCR 1 and took the roll call of the committee's members. Members present included Reps. Griffith, Spiegelman, Yearick, and Johnson. Rep. Minor Brown, Rep. Gray, and expert witnesses Dr. Pamela Zickafoose and Dr. Carmine Balascio were also in attendance. For a full list of speakers please see the speaker list below.

Chair Dorsey Walker introduced **HB 141, AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO ADVANCED PRACTICE REGISTERED NURSES.**

Rep. Minor Brown, the prime sponsor of the bill, explained the legislation is a companion bill to **HB 21** and will provide advanced practice registered nurses (APRNs) the full authority and licensure that they need to practice. The bill removes the requirement for a collaborative agreement, which acts more as a hurdle than a benefit to providing Delawareans with care they need. She stated it does not change the scope of practice for APRNs and will improve accessibility to healthcare in Delaware.

Rep. Yearick asked how many states currently have this kind of legislation in place.

With permission from Chair Dorsey Walker, Rep. Minor-Brown had Pam Zickafoose, the Executive Director of the Delaware Board of Nursing, introduced to answer questions. She stated there are about 26 states, including Maryland, with compacts allowing full practice authority for APRNs.

Rep. Yearick pointed out that there is an extensive list of individuals and organizations that support the legislation, yet there are some groups in opposition. He asked Ms. Zickafoose to explain some of the reasons for opposition to APRN Compacts.

Ms. Zickafoose responded she is aware of is the American Medical Association's opposition. She expressed that they see APRN Compacts as a form of "competition" and fear that some APRNs will start their own practice, which is a grave misinterpretation of these compacts; this is not the goal for APRNs and the compacts are rather to increase access to healthcare and continue the team-based healthcare approach.

Chair Dorsey Walker opened the floor to public comment.

Dr. Matthew Burday, the President of the Medical Society in Delaware, shared opposition to the bill and stated his concern for the safety of patients.

Megan McNamara Williams, the Vice President of the Delaware Health Care Association shared full support of the bill. She stated it will improve access to care and encouraged Delaware to join the growing number of states with APRN compacts.

Christopher Otto, the Executive Director of the Delaware Nurses Association shared support for the bill, stating greater APRN access is necessary to meet the need for access to health care services.

Stacey Bachman, the Director of Advanced Practice Nurses at Nemours Healthcare, shared full support for the bill.

Sheila Grant, the Advocacy Director at AARP's Delaware office, expressed support of this bill. She explained this legislation will improve Delawareans access to healthcare, especially in underserved areas and the older population.

Annamarie Flick, the Advocacy Director of the Delaware Nurses Association, expressed support for the bill. She explained that APRNs are educated, trained, certified, and licensed healthcare providers. Under current law they are met with irrelevant paperwork, time restraints, and collaborative agreements that do not contribute to effective care. The legislation would improve Delawareans access to care by removing these needless hurdles for APRNs.

Linda Laskowski Jones, a member of the Delaware Board of Nursing's APRN Committee, expressed her full support of the bill. She encouraged the committee to support this necessary legislation and to align Delaware law with states that currently have APRN Compacts.

Dr. Danielle Altares Sarik, representing the Delaware Nurses Association, expressed her full support of the bill. She expressed that the bill will align Delaware law with the extensive body of published research that supports APRN ability to practice to the full extent of their education and training.

Chris DiPietro spoke on behalf of the Delaware Association of Nurse Anesthetists and expressed support for the bill.

Dr. Michael Hall, President of the Delaware Board of Anesthesiologists, expressed his opposition to the bill. He stated his belief that the bill will jeopardize the health of Delawareans especially in the context of CNRAs and Anesthesiology.

Jacqueline Mainwaring, a CNRA and the President of the Delaware Association of Nurse Anesthetists, expressed their support of the bill.

Brandy Magee, the President of the Delaware Coalition to Nurse Practitioners, expressed support for the bill. She explained that the bill will positively impact current healthcare concerns of access by streamlining licensing for Delaware healthcare providers and aligning with national standards for NP licensing.

Jeannie Higgin expressed her support of the bill being it will increase access to quality care throughout the state.

Dr. Suzette Flores, representing the Delaware Coalition of Nurse Practitioners, expressed support for the bill. She explained that this bill will allow NPs in the state to meet the needs of their patients effectively and efficiently, especially in rural areas.

Dr. Donna Mower-Wade, the Director of Advanced Practice Nursing at Christiana Care and the Associate Advocacy Director of the Delaware Nursing Association, expressed her support for the bill. She explained it will eliminate unnecessary barriers for Delawareans seeking access to care and allow APRNs to provide communities with their full ability to practice.

Dr. Susan Conaty-Buck, a member of the DCNP, expressed support for the bill. She thanked Rep. Minor Brown for bringing this bill forward to improve healthcare equity in our state.

Sharon Baptiste-Brown, a member of the DCNP, expressed her support for the bill. She reiterated that the legislation will not change APRNs scope of practice, it will rather retire unnecessary regulations that have created hurdles to providing care.

Chair Dorsey Walker invited the members of the committee to once again share their thoughts on this legislation.

Rep. Minor-Brown thanked the members of the committee and all public commenters. She expressed her concern with the letter from the American Medical Association because of its misleading information and false statements. She explained that the legislation will not “risk the health and safety of patients” or “remove physicians from healthcare teams” and that the American Medical Association making these erroneous claims is dis-heartening for professional healthcare providers and patients. She stated the legislation will allow Delaware healthcare providers to lead with care and close the widening gap to healthcare access.

Rep. Spiegelman expressed his confidence in voting the bill out of committee but that he would like continued discussion and more time to understand the full impact of this legislation.

Rep. Johnson shared her support of the bill. She shared that her primary care physician is a Nurse Practitioner because of the amazing care that they provide and hopes that all Delawareans can gain this access as well.

A motion was made by Rep. Johnson and seconded by Rep. Griffith to release HB 141 from committee, the motion carried. Yes= 4 (Chair Dorsey Walker, Rep. Griffith, Rep. Johnson, Rep. Spiegelman); No= 0; Absent= 1 (Rep. Yearick). The bill was released from committee with a F= 0, M= 3, U= 0 vote.

Chair Dorsey Walker introduced **HB 142, AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO PROFESSIONAL ENGINEERS.**

Rep. Gray, the primary sponsor of the bill, explained that this bill is supported by the Delaware Association of Professional Engineers. He explained that the bill promotes the expansion of licensure opportunities in Delaware while maintaining standards of competence and professionalism required for the protection of the citizens of Delaware.

With Permission from the Chair, Rep. Gray introduces Dr. Carmine Balascio. Mr Balascio explained that the bill is very important in outlining the routes for licensure and regulations for engineers in Delaware.

Chair Dorsey Walker opened the meeting to public comment. Seeing none, she invited the committee members to speak.

A motion was made by Rep. Spiegelman and seconded by Rep. Johnson to release the bill from committee, the motion carried. Yes= 4 (Chair Dorsey Walker, Rep. Griffith, Rep. Johnson, Rep. Spiegelman); No= 0; Absent= 1 (Rep. Yearick). The bill was released from committee with a F= 0, M= 3, U= 0 vote.

Chair Dorsey Walker Adjourned the meeting at 4:22 p.m..

Respectfully submitted by:
Chelsea Jones

List of Speakers:

1. Dr. Pamela Zickafoose, Executive Director of the Delaware Board of Nurses
2. Dr. Matthew Burday, President of the Medical Society in Delaware
3. Megan McNamara Williams, Vice President of the Delaware Health Care Association
4. Christopher Otto, Executive Director of the Delaware Nurses Association
5. Stacey Bachman, Director of Advanced Practice Nurses at Nemours Healthcare
6. Sheila Grant, Advocacy Director at AARP's Delaware office
7. Annamarie Flick, Advocacy Director of the Delaware Nurses Association
8. Linda Laskowski Jones, Delaware Board of Nursing's APRN Committee
9. Dr. Danielle Altares Sarik, Delaware Nurses Association
10. Chris Dipietro, Delaware Association of Nurse Anesthetists
11. Dr. Michael Hall, President of the Delaware Board of Anesthesiologists
12. Jacqueline Mainwaring, President of the Delaware Association of Nurse Anesthetists
13. Brandy Magee, President of the Delaware Coalition to Nurse Practitioners
14. Jeannie Higgin
15. Dr. Suzette Flores, Delaware Coalition of Nurse Practitioners
16. Dr. Donna Mower-Wade, Director of Advanced Practice Nursing at Christiana Care, Associate Advocacy Director of the Delaware Nursing Association
17. Dr. Susan Conaty-Buck, DCNP
18. Sharon Baptiste-Brown, DCNP
19. Dr. Carmine Balascio

4.28 House Sunset Committee Meeting Public Comment

To Whom it May Concern in the Delaware Legislature:

I am writing in opposition to HB 141 as well as HB 21 which essentially removes the physician from the care team. This is extremely dangerous for the citizens and especially the children of Delaware.

Allowing an APRN to practice with full authority without any guidance or specified training and especially without experience and supervision is a misguided and irresponsible step in the health of our country and especially this state. I have been in practice in the field of family medicine for over 25 years and have also been responsible for training students, residents, and in the past even nurse practitioners.

My current role is as a medical director for a corporation that provides primary care for a poultry processing plant in an area of Delaware (Sussex County), that is significantly underserved. I have worked with many different people in my career and decided that what I am currently doing is the safest option for me as it became such a risk to practice medicine with a multitude of novice nurse practitioners. I made it a mission to try to advocate for change and to not be a collaborator without being part of a medical practice team that does not make the time needed to supervise and train other members of that team. I am aware that our state is underserved in a significant manner and am also aware that nurse practitioners both locally and statewide are hanging out their shingles as trained dermatologists, urgent care and emergency providers, as well as family practitioners without the proper training and board certification and that uneducated, and unaware Delawareans are flocking to these providers at their unknown risk. My additional concern is the mental health care practitioners taking on very complicated and unstable patients that are even more high risk and that they do not have either the proper training or supervision to prescribe potentially very dangerous medications. Every single nurse practitioner that I have worked with required some degree of supervision and education beyond what was provided in most all non standardized educational programs. I have worked on many teams with nurse practitioners who practiced good care with supervision and many who recognized this need for supervision. The majority do not at all recognize the need and therefore this bill being presented to you.

If I can be of further assistance in advocating for the people of this state where I have been working for the majority of the past 12 years, please do not hesitate to contact me. Again, I am working with several team members who need and request my expertise in the field of family medicine and will continue to do so as long as this model of care continues.

Sincerely,
Nicole M. Alu-Parks, D. O.

Dear Representative Dorsey-Walker,

I am a family physician in Lewes and I am writing to you to voice my opposition to Delaware H.B. 141, which removes physicians from the medical care team. I understand this bill will be heard in the Delaware House Sunset Committee tomorrow, Wednesday, April 28. I am strongly opposed to this bill that eliminates the existing requirement that APRNs seeking independent practice must practice pursuant to a collaboration agreement with a supervising physician for two years and a minimum of 4,000 full-time hours.

The House Sunset Committee previously passed out of committee a companion bill H.B. 21 – the APRN Compact – which, unlike other health professional Compacts, supersedes state scope of practice laws and

creates uniform licensure requirements for APRNs, including an extremely weak and vague requirement that APRNs must “practice for at least 2,080 hours as an APRN in a role and population focus congruent with the applicant’s education and training.” It is unclear how this language will impact newly graduated APRNs, and it does not require APRNs to practice in collaboration with any other health care professionals during this time frame, including a physician. As mentioned, the APRN Compact would supersede state scope of practice laws, including the 20 states that require some level of physician involvement for nurse practitioners to diagnose, treat, or prescribe, and 15 states, including Delaware, that have a transition to practice process in place. Taken together these bills take Delaware on a dangerous and unproven path.

The APRN Compact Bill is NOT about making inter-state nursing licensing simpler--it's about expanding APRN Scope of Practice in every state, because the Compact supersedes state laws regarding scope of practice.

As you know, our state is in a health care physician shortage crisis with many physicians retiring or leaving medicine prematurely. In a time when our state should be doing everything to attract primary care physicians, these bills diminish the value of primary care physicians in favor of less trained midlevel providers practicing independently. This is not the quality of care the residents of Delaware deserve and quite frankly is dangerous to the health of our state.

I urge you to vote against H.B 141 and H.B 21.

Thank you for your time and your consideration.

Katelin M Haley, DO
Family Physician
Atlantic Adult & Pediatric Medicine
Lewes, DE

To Whom It May Concern:

Please ensure that nurses receive the supervision that was intended when the nurse practitioner license was created. Nurse practitioners were never supposed to have the ability to practice medicine without supervision, and their training programs do not adequately prepare them to practice independently. The position is designed to include “on-the-job” training and without this training under a physician, patients will suffer at the hands of ill prepared nurses practicing medicine.

In addition, the nursing board is unable to adequately determine if nurse practitioners are following the standard of care for each medical specialty. If a nurse harms a patient (or many patients), the nursing board is only able to hold them to a nursing standard and may allow them to continue working for years after harm is discovered. In Texas, a nurse practitioner was allowed to retain his license one year after “voluntarily” surrendering it two years after a news article first reported that he was prescribing inappropriately and after a follow up article showed that he potentially harmed 8700+ patients. A year after his APRN license was reinstated, he lost it again and is now allowed to practice as an RN in the community. The nursing board did not punish him for putting the health and lives of 8700+ patients at risk.

[Nurse voluntarily surrenders licenses after prescriptions draw scrutiny \(mysanantonio.com\)](http://mysanantonio.com)

Local nurse practitioner investigated for issuing 8,798 prescriptions for "controlled substances" (mysanantonio.com)

The nursing board is not able to keep patients safe from nurses practicing medicine. Please keep physicians on the healthcare team by opposing HB 141 and HB 21.

Thank you.

Sincerely,

Dr. Alisha E King

April 26, 2021

To: Representative Sherry Dorsey Walker,
Chair, House Sunset Committee: Policy Analysis & Government Accountability
and Members of the Committee
411 Legislative Avenue
Dover, DE 19901

Dear Chairwoman Walker and Members of the Committee,

AANP appreciates the opportunity to submit public comments on the proposed legislation, [Delaware House Bill 141, An Act To Amend Title 24 Of The Delaware Code Relating To Advanced Practice Registered Nurses](#) currently under consideration by the Delaware House Sunset/Policy Analysis & Government Accountability during the public comment period available for the hearing scheduled for Wednesday, April 28, 2021.

The American Association of Nurse Practitioners® (AANP) is the largest professional membership organization for nurse practitioners (NPs) of all specialties and represents the interests of the more than 250,000 licensed NPs in the United States. Nurse practitioners make up the largest percentage of all the advanced practice nurses in the nation and comprise over 70% of Delaware's entire advanced practice nursing community. AANP Delaware members represent nearly one-quarter of the Delaware NP workforce.

AANP supports House Bill 141 (H.B. 141) as it is introduced by Rep. Minor-Brown.

Delaware faces multiple health care challenges, ranging from regional and cultural divisions in health equity to uneven economic opportunity, along with wide-spread chronic disease and long-standing provider shortages in underserved communities. Unnecessary bureaucratic barriers between NPs and their patients are contributing to these greater health care challenges in the state.

Delaware state law authorizes NPs to evaluate, diagnose, treat, prescribe medications, and manage patients. However, current Delaware state law regulates nurse practitioners by three different pathways based on how long NPs have been in practice and where NPs are employed. No other state in the country has this model.

There is **no evidence** that these multiple licensure pathways and additional practice requirements are beneficial for patients or providers. At the same time, there are strong indications that retaining this outdated law, the result of a prior political compromise, is contributing to the state's challenges.

House Bill 141 as introduced would consolidate these inefficient, varying requirements into one, standardized framework for all licensees. Delawareans can feel comfortable making this change because there is strong support for the regulatory model proposed by House Bill 141. In fact, the modernization efforts of House Bill 141 are aligned with national standards for NP licensure and have been tried and tested in other states for several years.



- This model is not new. House Bill 141 brings Delaware into alignment with national best-practices, including recommendations by the National Conference of State Legislatures, National Governor's Association, National Academy of Medicine, and others to increase the health care workforce and address health care disparities.
- Fourteen states, the District of Columbia and two territories authorize NPs to practice to the full extent of their education and clinical preparation at the point of graduation and national certification **without** added time-in-practice requirements or restrictions based on employment setting. Most of these states have had this streamlined licensure model for decades. In that time, no state has ever returned to more restrictive requirements.
- Eliminating these workforce barriers will make Delaware more competitive in recruiting and retaining nurse practitioners to meet the state's needs. At AANP, we hear from our Delaware members who experience challenges securing the contract agreements as a condition of practicing their profession. These regulatory barriers make it more difficult and less attractive to practice in Delaware, and some have shared they have forgone practicing in rural and underserved areas or left the state because of these barriers. Retiring the current anticompetitive regulations would also be consistent with the [Federal Trade Commission](#) findings on regulation of Advanced Practice Nurses.
- This legislation would maintain the existing scope of practice for NPs in Delaware. NP licensees would still be required to complete nationally accredited graduate NP programs that include both advanced didactic and clinical education and pass and maintain national certification as a condition of licensure. Delaware's high standards for practice and professional accountability would be maintained.

If enacted, this bill would help to provide added patient care options by reducing unnecessary regulation. On behalf of the American Association of Nurse Practitioners and our Delaware membership, we urge support of House Bill 141.

Sincerely,

A handwritten signature in cursive script, reading "Sophia L. Thomas", is positioned above the typed name.

Sophia L. Thomas, DNP, APRN, FNP-BC, PPCNP-BC, FNAP, FAANP
President, American Association of Nurse Practitioners
