

DAVID S. BENTZ
STATE REPRESENTATIVE
18th District



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

COMMITTEES
Health & Human Development, Chair
Energy, Vice-Chair
Appropriations
Joint Finance
Labor
Natural Resources

House Health and Development Meeting Minutes

3.9.22

This committee meeting has been recorded and may be accessed via legis.delaware.gov

Chair Bentz called the meeting to order at 11:00 a.m. He stated that the meeting was planned in accordance with HCR 1 and took the roll call of the committee's members. Members present included Vice Chair Minor-Brown, Reps. Chukwuocha, K. Johnson, Baumbach, Heffernan, Morrison, Kowalko, Postles, Smith, Hensley, and Collins. For a list of guests present, please see the attendance list below.

Chair Bentz then introduced **SB 210, AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE DELAWARE ACHIEVING A BETTER LIFE EXPERIENCE PROGRAM**. Rep. Griffith, the sponsor of the bill, explained that SB 210 was a clean-up bill that ensures Delaware law conforms to existing federal regulations surrounding ABLE accounts, which are accounts created by the State so that individuals with disabilities and their families can save for broad range of expenses on a tax advantaged basis. She added that Jordan Seemans from the Office of the State Treasurer was available to answer questions from the committee.

Rep. Bentz opened the meeting to public comment.

Robert Overmiller stated his support for the bill.

A motion was made by Rep. Baumbach and seconded by Rep. Hensley to release SB 210 from committee; motion carried. Yes = 12 (Bentz, Minor-Brown, Chukwuocha, K. Johnson, Baumbach, Heffernan, Morrison, Kowalko, Postles, Smith, Hensley, Collins); No = 0; Absent = 3 (Reps. Lynn, Shupe, Briggs King). SB 210 was released from committee with a F=8, M=4, U=0 vote.

Chair Bentz then introduced **HB 317, AN ACT TO AMEND TITLE 31 OF THE DELAWARE CODE RELATING TO MEDICAL COVERAGE FOR ALL DELAWARE CHILDREN**. Rep. Griffith, the sponsor of the bill, stated that the bill is known as the Cover All Delaware Children Act, directs the Department of Health and Social Services (DHSS) to develop and operate a medical coverage program for children in Delaware who are not otherwise covered, including children who are not documented. A child resident in the state whose family income is low enough that they would qualify on that basis for Medicaid or CHIP coverage but is not eligible for Medicaid or other federally funded coverage, is eligible for coverage and medical care.

Rep. Griffith explained that the intent of the bill is to help children who are here through no fault of their own, and that it is an ethical and moral imperative to help all children. She added that investing in healthcare is also a practical action for the State to make as it will reduce costs in the long run. Rep. Griffith concluded her remarks by reading a letter sent to her from the father of an undocumented child.

With permission from the Chair, Rep. Griffith had Dr. Elissa Miller from Nemours speak on HB 317. Dr. Miller attested that all children should have coverage and shared a story of a palliative-care patient in her care. She added that there is a national consensus that all children should receive coverage no matter their status.

Chair Bentz thanked Rep. Griffith and Dr. Miller for the work they have done on the bill.

Reps. Baumbach, Heffernan, Kowalko, Minor-Brown and Morrison also voiced support for HB 317, noting that healthcare costs more if children do not receive coverage for preventative care. Each member noted that it was the right thing to do.

Rep. Collins agreed that lack of insurance coverage for undocumented children was a terrible issue. He asked Dr. Miller about the patient she described and whether the family would have had health coverage at their country of origin.

Dr. Miller stated that she was unsure, but it was unlikely that the patient's family would have had coverage in their country of origin.

Rep. Collins asked about whether other states have similar laws on the books.

Rep. Griffith stated that approximately 11 states, including California, Washington D.C., Illinois, Massachusetts, New York, Oregon, Washington, Maine, New Jersey, Connecticut, and Vermont. She added that a Stanford University study showed that when individuals choose to locate to a new area, they are less likely to look at government benefits and more likely to consider jobs, housing, and the location of their family.

Rep. Collins opined that the states Rep. Griffith had previously cited were states that are in the deepest financial trouble in the United States. He asked how Delawareans could pay to cover undocumented children.

Rep. Chukwuocha thanked Rep. Griffith for bring the bill forward.

Rep. Smith stated that immigration policy is broken and noted that the State does save a lot of money when it enhances access to preventative care. He asked whether there were any statistics on whether undocumented families are actively seeking citizenship.

Rep. Griffith responded that there are approximately 5000 children who would be positively impacted by the bill. She stated she would look into Rep. Smith's question offline, but that undocumented families are living in a mix of situations.

Rep. Smith responded that he did not expect families to actively pursue citizenship during a pandemic. He emphasized that the bill addresses a moral and ethical issue but would like to see a few amendments before it went on the House floor for a vote.

Rep. Collins stressed that he is not opposed to immigration, but that he was concerned about creating policies that attract undocumented immigrants to Delaware.

Rep. Griffith thanked members of the committee for their comments and questions as well as advocates involved in bringing the bill forward.

Chair Bentz opened the meeting for public comment.

Dr. Megan Werner from Westside Family Healthcare urged the committee to pass HB 317. She felt it was critical to help all families live the healthy lives they all deserve.

Robert Overmiller opposed the legislation as it could potentially violate federal law.

Chris Haas from the Delaware Department of Insurance stated support for the bill as it equitably expands access to healthcare for all of those in Delaware.

Denise Clendenning stated her opposition to the bill as she felt undocumented families needed to legal citizens.

Charito Calvachi-Mateyko from the Delaware National Organization for Women stated support for the bill, citing the experience of an undocumented friend that had faced astronomical healthcare costs when her son was sick.

Abigail Samuels, Community Legal Aid Society (CLASI), stated support for the bill and urged the committee to release the bill from committee.

Dr. Nick Beard from the Delaware Coalition Against Domestic Violence (DCADV) stated support for the bill as it would allow more children to build ongoing relationships and allow a provider to realize if something isn't quite right at home or realize that there are patterns that could be linked to abuse.

Clara Licata from the Southern Delaware Alliance for Racial Justice (SDARJ) stated support for the bill on behalf of the organization. She noted that the lack of medical access for undocumented children affects Latinx or Hispanic communities most but also affects Black communities.

Dr. Marisel Santiago from La Red Health Center expressed her support for the bill. She emphasized that every child deserves a chance and has the right to grow up to be a healthy and productive member of our community.

Aleks Casper from the American Lung Association expressed support on behalf of the organization. He explained that the American Lung Association opposes discriminatory barriers to health coverage and firmly believes that all people including children living within the United States should have access to affordable, adequate and accessible health care.

Kiki Evinger from the Delaware Department of Health & Social Services (DHSS) stated that the funding for the bill was not included in the Governor's Recommended Budget. This program is not eligible for federal match dollars due to the populations immigration status and must be paid entirely with state funds. She emphasized the Department's support for the intent of the legislation and thanked the sponsor for their willingness to work on the bill.

Leo Cuello from Georgetown University addressed concerns about cost by stating that federal Medicaid law requires all states to provide emergency coverage for undocumented persons. He noted that it is far more expensive to pay for services through the ER and it is quite cheap to add preventative care.

Alexandra Southerst from the Delaware Racial Justice Collaborative (DRJC) expressed support for the bill and asked members to release the bill from committee.

Kristen Dwyer from the Delaware State Education Association (DSEA) stated support for the bill.

Rosa Rivera, La Red Health Center, noted that there is a shortage of providers in the state that makes it even more difficult to care for those who do not have coverage.

Maria Matos, Latin American Community Center (LACC) asked members to release the bill from committee as the LACC sees the results of parents and children who do not have healthcare coverage. She stressed that undocumented workers also pay taxes and offered to provide data on undocumented residents seeking citizenship.

John Reynolds, American Civil Liberties Union of Delaware, stated that the organization strongly supported the bill.

A motion was made by Rep. Minor-Brown and seconded by Rep. Heffernan to release HB 317 from committee; motion carried. Yes = 11 (Bentz, Minor-Brown, Chukwuocha, K. Johnson, Baumbach, Heffernan, Morrison, Kowalko, Postles, Smith, Collins); No = 0; Absent = 4 (Reps. Lynn, Shupe, Briggs King, Hensley). HB 317 was released from committee with a F=8, M=3, U=0 vote.

Chair Bentz adjourned the meeting at 12: p.m.

Respectfully Submitted By:

Areeba Khan, Legislative Fellow

Speaker List:

Dr. Megan Werner, Westside Family Healthcare
Robert Overmiller
Chris Haas, Delaware Department of Insurance
Denise Clendenning
Charito Calvachi-Mateyko, Delaware NOW
Abigail Samuels, CLASI
Dr. Nick Beard, DCADV
Clara Licata, SDARJ
Dr. Marisel Santiago, La Red Health Center
Aleks Casper, American Lung Association
Kiki Evinger, DHSS
Leo Cuello, Georgetown University
Alexandra Southerst, DRJC

Kristin Dwyer, DSEA
Rosa Rivera, La Red Health Center
Maria Matos, Latin American Community Center
John Reynolds, ACLU of Delaware



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**Testimony before House Health & Human Development Committee
Regarding
House Bill 317
March 9, 2022**

Good morning, Chairman Bentz and members of the House Health & Development Committee. I am Maria Matos, President and CEO of the Latin American Community Center. I am delighted to be here today to speak in support of House Bill 317, the Cover All Delaware Children Act.

This bill is an essential step toward health equity for Delaware. Currently, children who are undocumented are not able to obtain any health insurance at all—unless their parents are lucky enough to work for an employer who provides family coverage. These children are not currently accepted into Delaware's Medicaid or CHIP programs, and their parents cannot buy insurance for them on the federal health insurance exchange.

We at the Latin American Community Center know how important it is for children to have health coverage, because we see the results of no coverage. Parents of children without coverage try very hard to provide for their children, but even with free care from the hospitals and low-cost care from the federally qualified health centers, these families struggle and often cannot do what is best for their children. Imagine making the hard decision to not purchase a medication or to skip visits to the clinic because the money just is not available. The consequence is often an emergency—or a health problem that cannot be easily solved.

This group of low-income children needs and deserves the same coverage that Delaware provides to citizens and children with legal residency. They came to Delaware through no choice of their own; their parents work hard and pay taxes; and yet there is no health coverage for them.

Please support HB 317, which will rectify this situation. Thank you for your time.



March 9, 2022

The Honorable David Bentz
Chair, House Health and Human Development Committee
Delaware General Assembly
411 Legislative Avenue
Dover, DE 19901

SUBJECT: Support for House Bill 317

Dear Chairman Bentz and Members of the Committee:

The American Heart Association would like to voice support for House Bill 317 by Representative Griffith, and we thank the committee for the opportunity to submit testimony. This important bill, known as the Cover All Delaware Children Act, directs the Department of Health and Social Services to develop and operate a medical coverage program for children in Delaware who are not otherwise covered, including children who are not documented. A child resident in the state whose family income is low enough that they would qualify on that basis for Medicaid or CHIP coverage but is not eligible for Medicaid or other federally funded coverage, is eligible for coverage and medical care under this Act.

All children need access to health care that supports their healthy growth and development and promotes school success.

The American Heart Association is the nation's oldest and largest voluntary organization dedicated to fighting heart disease and stroke. Heart disease is the No. 1 killer worldwide, and stroke ranks second globally. Even when those conditions don't result in death, they cause disability and diminish quality of life. We want to see a world free of cardiovascular diseases and stroke. Our mission is to be a relentless force for a world of longer, healthier lives.

The American Heart Association has a long history of leading efforts to improve access to quality health care. We have consistently prioritized the needs and perspective of the patient in taking positions on health care reform, while recognizing the importance of biomedical research, providers, and health care delivery systems in advancing the care of patients and the prevention of disease. In 2020, the AHA released a Presidential Advisory entitled, *Advancing Healthcare Reform: The American Heart Association's 2020 Statement of Principles for Adequate, Accessible, and Affordable Health Care*,ⁱ which included the following:

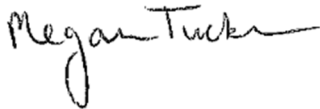
- **Principle 1:** All people living in the United States, regardless of health condition, should have comprehensive, understandable, and affordable health care coverage.
- **Principle 2:** All people living in the United States should receive quality, affordable patient-centered health care.
- **Principle 3:** All people living in the United States should have guaranteed access to preventive services without or with minimal cost-sharing, regardless of how they gain coverage.

House Bill 317 would expand access to all aspects of health care, from basic vaccinations to various specialists, for many of our most vulnerable children; boost public health efforts and help families get help before they are forced to rely on emergency rooms; connect kids with serious medical needs to vital diagnostics and treatments early-on, improving their lives and reducing long-term costs; and keep kids in school and on the path toward healthy growth and development, which will afford them a greater opportunity for success in life.

The American Heart Association is committed to working with the General Assembly to make each day healthier for all children. Please support House Bill 317 to ensure all children in our state have access to health care coverage.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Megan Tucker". The signature is fluid and cursive, with the first name "Megan" and last name "Tucker" clearly distinguishable.

Megan Tucker
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ⁱ <https://www.ahajournals.org/doi/10.1161/CIR.0000000000000759>

**Testimony before House Health & Human Development Committee Regarding
House Bill 317
March 9, 2022**

Good morning. Chairman Bentz, and honorable members of the House Health & Human Development Committee, thank you for the opportunity to speak. I am Dr. Marisel Santiago, Director of Pediatrics at La Red Health Center. I have worked at La Red for 10 years and appreciate the opportunity to speak with you today.

We have many children that do not qualify for medical insurance because they are undocumented. As a result, we providers witness heartbreaking situations. We have children with terrible dental hygiene, multiple and severe dental infections, and families who cannot afford a dentist. These children live with constant pain. Many families cannot afford something we may take for granted—eyeglasses. And, parents struggle every day to buy medication and often cannot pay for necessary tests, like lab work.

Let me tell you about an 8 year-old boy—we can call him Carlitos to protect his privacy. When Carlitos first came to La Red, he was very obese. Carlitos' parents could not afford the labs and referrals, so they disappeared for some time because they felt bad they couldn't do what we asked. But, when he finally returned, he had lost a lot of weight even though mom said he was still eating the same—just drinking more water. Labs were ordered and his parents agreed to have them done. However, they were not able to because of the cost. As a result, Carlitos ended up at the hospital with a diabetic ketoacidosis, a life-threatening condition. Carlitos is now a Type 1 diabetic with even more medical problems.

All of us who are parents know how hard it can be when our children are sick. Every child deserves access to health care.

As we provide school and education to every child no matter where they come from, we should likewise, provide access to medical coverage. Every child deserves the opportunity and has the right to grow up to be a healthy and a productive member of our communities.

Thank you.

**Expert Witness Testimony before House Health & Human Development Committee
Regarding House Bill 317
March 9, 2022**

Good morning. Chairman Bentz, and honorable members of the House Health & Human Development Committee, thank you. And thank you, Representative Griffith, for the opportunity to speak. I am Dr. Elissa Miller, Director of Palliative Care and current President of the Medical Staff for Nemours Children's Health.

As a pediatrician, I can attest firsthand, that all children need and should have health coverage, which HB 317 would provide.

I share with you the following story, of one of my patients. I changed her name to protect her privacy. And this story is just one of many that I could share with you today.

Alessandra's family was displaced from their home due to violence. Her father is in the process of seeking asylum. Alessandra has a complex neurodegenerative disorder, has been hospitalized, and will have life-long medical needs. She has lost the ability to speak and walk and receives nutrition through a feeding tube. She is dependent on her family for help with all her activities of daily living, including eating and bathing.

Although care during hospitalizations has been provided at no charge to her family, the lack of insurance means that Alessandra does not have an appropriately sized wheelchair because the family cannot afford one. Her family is under extreme stress, and they are both physically and emotionally exhausted from 24/7 caregiving. Her family has no home nursing support as Alessandra cannot qualify for Medicaid due to her immigration status. Alessandra's family is left to care for her as best they can. And she often misses scheduled doctor's appointments because of lack of transportation, which Medicaid coverage would provide through Logisticare.

We have decades of research confirming that Medicaid improves children's health. There is a national consensus on the need to provide publicly funded coverage to low-income children, and Medicaid covers nearly 39 percent of children nationwide. However, Alessandra and other undocumented children are left out. Medicaid coverage is linked to fewer chronic conditions, better overall health, improved oral health, and fewer hospitalizations and emergency room visits in adulthood. Most importantly, Medicaid is associated with lower mortality and longer lives.ⁱ

I am appreciative of the opportunity to speak in support of HB 317 and to answer any question you may have regarding how this bill will directly impact the lives of my patients and their families for the better. Thank you for your time.

ⁱ Edwin Park, Joan Alker and Alexandra Corcoran, *Jeopardizing a Sound Investment: Why Short-term Cuts to Medicaid Coverage During Pregnancy and Childhood Could Result in Long-term Harm*, (The Commonwealth Fund, December 2020).