

MICHAEL A. BARBIERI
STATE REPRESENTATIVE
Eighteenth District



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

COMMITTEES
Health & Human Development,
Chair
Education
Energy
Gaming & Pari-mutuels
Labor

Health & Human Development Committee
Meeting Minutes
June 2, 2010

Chairman Barbieri called the meeting to order at 3:36 p.m. Members present included Reps. Blakey, Jaques, Kovach, and Schooley. Rep. Cathcart was also present. For a list of guests, please see the attached document.

Chairman Barbieri stated **HB 41, AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE CREATING A COMMUNITY MENTAL HEALTH TREATMENT ACT**, was first on the agenda. He deferred to Rep. Cathcart to speak on behalf of the bill. He stated that this bill was discussed back in January and that it essentially established a community mental health treatment act with rights paralleling those of patients in the substance abuse treatment system compiled in Chapter 22 of Title 16 in the Delaware Code. The issue with the original legislation was with the attached fiscal note. However, House Amendment 1 to HB 41 now simplifies the financial reporting piece and increases information sharing among the entities involved. Thus, HA 1 to HB 41 eliminates the need for the fiscal note. Rep. Cathcart then introduced Debbie Gottschalk, from the Department of Health and Social Services, to provide greater detail about the change.

Ms. Gottschalk stated that the original bill required an itemized listing of what was covered by insurance. However, the current technologies of the organizations could not perform this function. The fiscal note was a result of installation of new software to perform this service. However, the amendment modifies the necessary listed information so the new software is not needed.

Rep. Kowalko motioned to release the bill. Rep. Jaques seconded the motion. The bill was released from committee with nine votes on its merits.

SB 122, AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATIONG TO CRIMINAL BACKGROUND CHECKS AND MANDATORY DRUG TESTING, was next on the agenda. Chairman Barbieri referred to Rep. Cathcart again to introduce the legislation.

Rep. Cathcart stated that in the past, that state found that many employees of the Delaware Psychiatric Center had criminal records or drug related issues. This legislation just ensures that employees of the DPC, who are providing direct care to patients, be subject to background checks and drug testing.

Ms. Gottschalk confirmed that the legislation codifies the existing practice of background checks for new employees. The legislation now allows for random drug tests and random background checks for all employees.

Rep. Jaques motioned to release the bill. Rep. Schooley seconded the motion. The bill was released from committee with one favorable vote and six votes on its merits.

SB 235, AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE CREATING THE DELAWARE PRESCRIPTION MONITORING ACT, was introduced by Rep. Kovach. He then deferred to James Collins, from the Delaware Division of Professional Regulation, to speak on behalf of the bill.

Mr. Collins stated that the legislation creates a prescription monitoring program. A central database will be created for the monitoring of prescribing and dispensing of prescription medicine and controlled substances. The bill is intended to prevent “doctor shopping” and is one aspect of a comprehensive effort to help eliminate the abuse of prescription medications.

Rep. Kovach questioned why the legislation was needed. Mr. Collins stated that Delaware has seen an increase in abuse of prescription medications. Additionally, 33 other states have a monitoring system and 41 states have legislation in place addressing the issues. It is time for Delaware to address the issue.

Rep. Jaques applauded the effort of the legislation and voiced his support of the bill.

Rep. Kowalko asked if the bill mirrored any federal policy. Mr. Collins stated that when drafting the legislation, model language and collaboration among many state and federal organizations was used.

Rep. Kowalko voiced concern regarding the privacy and security of the information in the central database. He asked if there were adequate confidentiality guarantees with the database system. Mr. Collins responded that the legislation clearly outlines who has access to the database. Doctors and pharmacists have access and while law enforcement can ask for information to assist them in the investigation of specific unlawful circumstances, law enforcement will never have direct access to the database. Additionally, the legislation creates stiff criminal penalties for the misuse or unlawful disclosure of the information.

Rep. Jaques motioned to release the bill. Rep. Kowalko seconded the motion. The bill was released from committee with seven votes on its merits.

Chairman Barbieri stated **HB 235, AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE BOARD OF PHARMACY**, was also on the agenda. Because the sponsor was unable to attend the meeting to speak on behalf of

the bill, Chairman Barbieri asked to table the bill. Rep. Schooley motioned to table the bill. Rep. Jaques seconded the motion. The bill was respectfully tabled.

Without any further questions or comments, Chairman Barbieri adjourned the meeting at 3:55 p.m.

Respectfully submitted,

Amy Clark