

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 9, 2010

Chairman Barbieri called the meeting to order at 3:45 p.m. Members present included Reps. Q. Johnson, Kowalko, Miro, Kovach, Schooley, Scott, Jaques, Oberle, and Brady. For a list of guests, please see the attached document.

Rep. Barbieri referred to Rep. Schooley to introduce **SB 255, AN ACT TO AMEND TITLE 31 OF THE DELAWARE CODE RELATING TO THE FOOD STAMP PROGRAM**. Rep. Schooley stated that this bill removes the prohibition against persons convicted of any drug felony from receiving food stamp assistance. She stated that the need for food assistance was realized through Kids Count information and that food stamp assistance is federal money.

Debbie Gottschalk, from the Department of Health and Social Services, stated that in the past, approximately \$70-130 per month was provided in food assistance, and she stressed that this is federal money. She also stated that there have been approximately 500 cases in Delaware where an adult in a household has been denied much-needed assistance because of a drug related felony.

Rep. Q. Johnson asked if persons with other offenses could receive food assistance money and why drug felonies were excluded from food assistance.

Ms. Gottschalk stated that in 1996 the U.S. Congress passed the Personal Responsibility and Work Opportunity Reconciliation Act which stated that those convicted of a drug felony would not receive this assistance. States were given the opportunity to opt-out of the act, but Delaware has not in the past. This bill just clarifies that Delaware is now opting-out of the federal law. She also stressed that this bill aligns with the state's prisoner re-entry effort.

Rep. Kowalko applauded the efforts to protect this vulnerable group of people. Kyle Hodges, from the State Council for Persons with Disabilities; Patricia Beebe, from the Food Bank of Delaware; and Basha Silverman, from the Brandywine Counseling Inc., all voiced their support of the legislation.

Olga Ramirez, Senior Paralegal and Public Benefits Advocate at Community Legal Aid Society, Inc., stated that since August 1996, felony drug convictions have made individuals ineligible for the Supplemental Nutrition Assistance Program (SNAP), also

known as food stamps. She stated that when Delaware opted to implement this regulation, she found it very difficult to tell her clients in need that the food stamp program was no longer based on their needs. This population is especially in need of help because coming out of prison, many are not able to find jobs or support themselves because of their past. Ms. Ramirez concluded that expanding access to food for this population is at no cost to the state and that no American should ever go hungry.

Rep. Kowalko motioned to release the bill. Rep. Oberle seconded the motion. The bill was released from committee with one favorable vote and eight votes on its merits.

Chairman Barbieri deferred to Rep. D. E. Williams to introduce **HB 444, AN ACT TO AMEND TITLE 31 OF THE DELAWARE CODE RELATING TO CHILD CARE.** Rep. D. E. Williams stated that this bill seeks to address unlicensed childcare services. However, he asked that the bill be tabled because he intends to introduce a House substitute for the bill to correct some errors. The bill was respectfully tabled.

Rep. Barbieri then introduced **HB 440, AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE REALTING TO INFORMED CONSENT AND CONFIDENTIALITY.** He stated that his bill aligns Delaware's health privacy laws with HIPPA guidelines. Currently, Delaware's Confidentiality of Personal Health Information Statute prevents DHSS from engaging in activities permitted under federal HIPAA law. However, this legislation would allow DHSS to release protected health information for law enforcement activities, pursuant to court order, for patient care and coordination, and for healthcare business operations. Rep. Barbieri clarified that this legislation does not increase the amount of available information but only allows the modes of communication to be more efficient.

Rep. Kowalko asked if appropriate safeguards were in place to prevent the misuse of this health information. Ms. Gottschalk stated that HIPPA provides strict rules for the use of this information, prohibits unauthorized subsequent sharing of the information, and provides money damages if the HIPPA rules are violated.

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

Rep. Barbieri introduced **SB 254, AN ACT TO AMEND TITLE 16 AND TITLE 29 OF THE DELAWARE CODE RELATING TO NURSING FACILITIES AND SIMILAR FACILITIES.** He stated that this bill creates a State Civil Penalty Trust Fund. He referred to Susan Del Pesco, Judge of Superior Court, to provide greater detail on the legislation.

Ms. Del Pesco stated that currently all sanctions which are imposed as a result of the surveys and complaint investigations of this division are placed in the Long Term Care Residents Trust Fund, which is governed by very restrictive federal regulations. She clarified that both state and federal revenue is put in this fund and the money can only be used for nursing homes. However, by creating a state trust fund and splitting the money,

the division will be better able to support other facilities and community based residential efforts.

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

Without any further questions or comments, Rep. Barbieri adjourned the meeting at 4:02 p.m.

Respectfully submitted,

Amy Clark