



Governor's Advisory Council for Exceptional Citizens (GACEC)
516 West Loockerman St., Dover, DE 19904
302-739-4553 (voice) 302-739-6126 (fax) <http://www.gacec.delaware.gov>

MEMORANDUM

DATE: June 1, 2021

TO: The Honorable Members of the Delaware General Assembly

FROM: Ann C. Fisher, Chairperson
GACEC

RE: Senate Bill No. 118 Long-Term Care Facility Participation in the Delaware Health Information Network (DHIN)

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed **Senate Bill 118**, which will require long-term care facilities to enroll and share data with the Delaware Health Information Network (DHIN). The DHIN is a statewide health information exchange first launched in 2007 and widely used by medical providers. Council **supports** this legislation as it may help facilitate continuity of care for residents of long-term care facilities and ensure that all facilities have access to the same tools to protect residents in public health emergencies like the Covid-19 pandemic.

The proposed legislation would require a long-term care facility that "provides services to a Delaware resident" to enroll in the DHIN "as an active user of the Community Health Record, no later than 30 days after the long-term care facility begins providing the services." Additionally, facilities using electronic health records in providing services to a Delaware resident would be required to enter into an agreement with the DHIN to "provide the DHIN with a summary of each episode of care in an electronic format that DHIN establishes" within 90 days of when the facility begins providing services. If enacted, long-term care facilities already serving a Delaware resident or using electronic health records in providing services to a Delaware resident would also need to come into compliance with the law within the timelines specified after the date of enactment.

According to the DHIN website, 100% of long-term care facilities in the state are already using the DHIN. It is unclear from the information provided, however, whether that means that all

long-term care facilities are using the Community Health Record or have entered into the data sharing agreements for electronic health records that this legislation would require. Additionally, this legislation appears to apply to out-of-state facilities, that may not otherwise have an immediate reason to enroll in the DHIN, when they are providing care to a Delaware resident. Since many Delaware residents may travel to nearby states for care, this would help ensure that individual health records are complete.

Council would like to note that the first sentence of the proposed §1119D(a) in the bill appears to be missing a word, as it currently reads “A long-term care that provides services...”. We believe the word ‘facility’ is missing from the sentence and ask that the sponsors review and correct.

Thank you in advance for your time and consideration of our endorsement and observations. Please feel free to contact me or Pam Weir at the GACEC office should you have any questions.