

STAFF RECOMMENDATIONS AND FINDINGS

The Division of Research provides staff support for JLOSC. Division of Research staff compiled the following findings and recommendations after completion of a performance evaluation which included thorough research and analysis outlined in the Objectives, Scope, and Methodology section of this report. The performance evaluation was conducted in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the evaluation to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our evaluation objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our evaluation objectives. Fieldwork procedures utilized while developing the findings and recommendations presented in this report are discussed in the Objectives, Scope, and Methodology.

The recommendations contained in this report are not final until adopted by JLOSC. Under §10213(a), Title 29, the Committee must first determine whether there is a genuine public need for an entity under review. To meet this requirement, the Committee may select to continue or terminate the entity under review. JLOSC meets publically to review and discuss findings, where the Committee is free to modify, reject, or create brand new recommendations.

The JLOSC statute authorizes the Committee to recommend 1 or more of the following:

- Continuation of the entity as is.
- Termination of the entity.
- Termination of any program within the entity.
- Consolidation, merger, or transfer of the entity or the entity's functions to another entity.
- Termination of the entity unless certain conditions are met or modifications are made, by legislation or otherwise within a specified period.
- Budget appropriation limits for the entity.
- Legislation which the Committee considers necessary to carry out its decision to continue or terminate the entity.

The information contained in this report, along with previously published reports⁷, assist the Committee in conducting a review of the entity and meeting its statutory requirements under Chapter 102, Title 29, which includes background information and an introductory analysis of the information submitted by the entity under review, together with preliminary evaluations and recommendations arising from the information in the draft report. Information supporting staff recommendations can be found in the section titled "Staff Findings."

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⁷ Draft and final reports accessible on the Committee's website, <https://legis.delaware.gov/Committee/Sunset>

STAFF RECOMMENDATIONS

Recommendation #1, Option 1 – continue HRB

After review and analysis, JLOSC staff recommends option 1, continue the Delaware Health Resources Board, subject to any further recommendations that JLOSC adopts.

Continue or Terminate (standard JLOSC recommendation)

Option 1: The Delaware Health Resources Board shall continue, subject to any further recommendations that JLOSC adopts.

- OR -

Option 2: The Delaware Health Resources Board is terminated, and the Committee will sponsor legislation to implement this recommendation.

Recommendation #2 – Restructure HRB to Advisory Capacity

Restructure the Health Resources Board as an advisory board assisting the applicable department charged with review of Certificate of Public Review applications.

Under this recommendation, JLOSC will sponsor legislation restructuring HRB to an advisory capacity. JLOSC staff recognizes this would be a large change and note that an advisory HRB may fit better in another department within DHSS such as the Office of Health Facilities Licensing and Certification. To draft the required legislation, JLOSC staff would work closely with HRB and DHSS staff to ensure proper composition and placement. Any draft legislation formed from the adoption of this recommendation would be presented to JLOSC for review, discussion, and approval.

Recommendation #3 – Statute Revisions

JLOSC should consider sponsoring a bill to apply technical corrections to the governing statute of HRB, Chapter 93, Title 16, and using this review as a guide, applying revisions to sections covering topics such as:

- **Board composition.**
- **Quorum requirements.**
- **Activities subject to review.⁸**
- **Procedures for review.**
- **Review considerations.**
- **Charity Care.**

JLOSC and HRB administrative staff will work together to develop statutory revisions. JLOSC staff will engage stakeholders as necessary.

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⁸ Includes revision under 16 Del. C. § 9304 (1) adopted by JLOSC in recommendation 6 from previous 2012 review.

Recommendation #4 – Utilization Survey, Utilization Survey Form Requirements.

JLOSC should consider sponsoring a bill to require health care facilities to complete a utilization survey form on an annual basis to build and maintain utilization statistics. HRB will collect annual utilization information, compile a report, and make it available to the public on their website.

Other states have similar requirements for the purpose of maintaining accurate utilization statistics to review CON applications. HRB currently requires former CPR applicants to submit annual charity care reports.

Recommendation #4, Option 1 – Conducting a State-wide Health Care Facility Utilization Study.

On a biennial basis, HRB will conduct or contract for a state-wide health care facility utilization study. Such study will include an assessment of:

- Current availability and utilization of acute hospital care.
- Hospital emergency care.
- Specialty hospital care.
- Outpatient surgical care.
- Primary care and clinic care; geographic areas and subpopulations that may be underserved or have reduced access to specific types of health care services.
- Other factors that the agency deems pertinent to health care facility utilization.
- Unmet needs of persons at risk and vulnerable populations as determined by the executive director.
- Projection of future demand for health care services and the impact that technology may have on the demand, capacity or need for such services, and recommendations for the expansion, reduction or modification of health care facilities or services.

Recommendation #5 – Release from Review.

HRB is released from review upon enactment of legislation restructuring to advisory capacity, making technical corrections, and statute modifications listed under Recommendations 2 and 3.

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