

CHAPTER 320
FORMERLY
SENATE BILL NO. 297
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLES 16 AND 24 OF THE DELAWARE CODE RELATING TO
THE REPORTING OF ABUSE AND UNPROFESSIONAL PRACTICE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 903, Title 16 of the Delaware Code by striking the first sentence and inserting the following in lieu thereof:

“Any person, agency, organization or entity who knows or in good faith suspects child abuse or neglect shall make a report in accordance with § 904 of this title. For purposes of this section, "person" shall include, but shall not be limited to, any physician, any other person in the healing arts including any person licensed to render services in medicine, osteopathy or dentistry, any intern, resident, nurse, school employee, social worker, psychologist, medical examiner, hospital, health care institution, the Medical Society of Delaware or law enforcement agency.”.

Section 2. Amend § 904, Title 16 of the Delaware Code by striking the phrase “of Child Protective Services” in the last sentence, and by striking the first sentence in its entirety and inserting the following in lieu thereof: “Any report of child abuse or neglect required to be made under this chapter shall be made to the Department of Services for Children, Youth and Their Families.”.

Section 3. Amend § 905(a), Title 16 of the Delaware Code by inserting in between the words "capable of receiving" and "reports of alleged" the word "all", and by deleting the words and punctuation "pursuant to § 904 of this title or from the public at large." and replacing them with "as defined in § 901 of Title 10."

Section 4. Amend § 906(b), Title 16 of the Delaware Code by inserting in subsection (3) after the words "shall also contact" and before "the appropriate law enforcement agency" the words "the Delaware Department of Justice and".

Section 5. Amend § 906(b), Title 16 of the Delaware Code by striking the word "and" in subsection (17), striking the period where it appears after the last sentence of subsection (18) and substituting in lieu thereof ";", and inserting a new subsection (19) as follows:

"(19) Upon the receipt of a report concerning allegations of abuse or neglect against a person known by the Division to be licensed by one of the boards listed in § 8735 of Title 29, forward reports to the Division of Professional Regulation.”.

Section 6. Amend § 914, Title 16 of the Delaware Code by striking the numerals "\$5,000" and replacing them with the numerals "\$10,000".

Section 7. Amend § 1006(a), Title 16 of the Delaware Code by inserting at the end of the subsection before the "." the words "or § 1731A of Title 24 or § 903 of this title".

Section 8. Amend § 1113, Title 16 of the Delaware Code by inserting after the words "pursuant to it" the words "or for noncompliance with § 1731A of Title 24 or § 903 of this title".

Section 9. Amend § 1730(d), Title 24 of the Delaware Code by creating new subsections (d) as follows:

"(d) Every person to whom a certificate to practice medicine is issued has a duty to report, within 30 days of the day he or she becomes aware, of the existence of a report to the Department of Services for Children, Youth and Their Families under Chapter 9 of Title 16 against that person concerning child abuse or neglect or a report to the Division of Long-Term Care Residents Protection under Chapter 85 of Title 11 against that person concerning adult abuse, neglect, mistreatment, or financial exploitation.”

Approved June 30, 2010