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Bills stemming from Bradley investigation filed to better protect Delaware's patients

DOVER – Attorney General Beau Biden's office, Governor Jack Markell and a bipartisan coalition of legislators detailed the bills that are being filed today to strengthen patient protections and improve oversight of the medical profession in response to the Earl Bradley case.

The bills filed today reflect recommendations made by separate reviews the Attorney General and Governor ordered after Bradley was arrested on charges that he allegedly molested over 100 young patients at his Lewes pediatric office. Both reports found multiple instances of systemic failure and made clear that the laws and procedures in this area were broken and in need of significant reform to better protect patients.

"These bills have broad bipartisan support. They should make a real difference to protect patients, and particularly children, going forward. Both reviews provided important suggestions on how a system that failed terribly should improve – suggestions that have been incorporated into these bills. I look forward to the legislature taking action on them and the opportunity to sign them into law," Markell said.

"Since this case broke, Attorney General Biden has been concerned with two things: first with the prosecution of Dr. Bradley and second with a review of our systems to ensure we do everything we can to prevent this from ever happening again. These reforms are aimed at doing just that," said Chief Deputy Attorney General Charles Butler. "We are particularly pleased that the Governor and the General Assembly have so eagerly participated in the effort to improve the oversight of the medical profession and to make other important changes to ensure suspicious behavior is reported and investigated. The impact of this tragedy transcends political parties and government agencies. The Attorney General's Office will be urging the General Assembly to pass this package of bills in their entirety and without delay."

Specifically, Tuesday's legislative response to the Bradley case includes seven bills:

- Increase scrutiny Delaware physicians receive from the Board of Medical Practice while renewing their medical licenses. The legislation mandates physicians disclose to the Board if they have been convicted of crime substantially related to their practice, if they have been penalized or convicted of a drug offense, if they have had a license revoked or suspended in another state and if they have been disciplined by a hospital. Doctors seeking to continue practicing in Delaware would also have to submit fingerprints and other identifying information necessary for the Board to conduct a criminal background check.
- Boosts penalties for health care professionals who fail to live up to their legal responsibilities to report suspicious behavior by doctors that could harm patients. The new fines would be a maximum of \$10,000 for a first violation and as much as \$50,000 for repeat offenders.

- Require additional child abuse-prevention training for medical professionals, law enforcement officers and prosecutors, as well as additional instruction on their legal obligations to report suspicions of abuse.
- Require a physician or physician's assistant treating a person 15 years of age or younger to have another adult in the room when that child is disrobed, partially disrobed or otherwise undergoing certain physical examinations. That additional adult may be either a family member or other caretaker, or an adult staff member or colleague of the licensee.
- Toughen penalties for individuals who abuse a child and are in a position of trust or authority over the victim.
- Enhance the Board of Medical Practice's authority to crack down on unprofessional conduct and enhance the Board's ability to work with law enforcement to protect public safety. To help the Board better police physician conduct, hospitals must report any disciplinary action against doctors and requires doctors to notify the Board anytime they are the subject of a criminal or civil investigation. If the Board is notified of potentially criminal misconduct by a doctor, the Board must notify law enforcement. The legislation also requires the Board to open its meetings to the public, accept complaints orally in addition to in writing and end the controversial relationship with the Medical Society's Physicians Health Committee, with which the Board had previously contracted to handle some of its investigatory responsibilities. The bill also gives law enforcement officials access to additional information about physicians under investigation.
- Double the maximum fine for individuals who knowledge of suspected child abuse but do not alert authorities to \$10,000.
- Add two representatives of the public to the Board of Medical Practice as well as the director of the Division of Public Health. The bill also renames the Board the Board of Medical Licensure and Discipline to better conform its name to its duties.

The bills are filed with broad bipartisan support from each of the four caucuses:

SENATE DEMOCRATS: “These are serious and very necessary revisions to the code. Had they been in place this tragedy might have been avoided,” said Senate President Pro Tem Anthony DeLuca, D-Newark East. “We are going to move quickly, but prudently to ensure that the code is strengthened and Delaware’s patients can have a greater sense of security when they visit their doctors.”

SENATE REPUBLICANS: "I think it's important that the legislature stands united in these efforts, thus assuring the public that situations like the Bradley case will never happen in the future," said Senate Republican Leader Gary Simpson.

HOUSE DEMOCRATS: “Many families have been traumatized by this inhuman monster,” said House Majority Leader Rep. Pete Schwartzkopf. “They are hurting, our community is hurting. We unfortunately can’t undo what happened, but we can and must take steps to ensure that this never happens again, that there isn’t a breakdown in the system. This package of bills takes several important steps in addressing the problems that both the governor and attorney general’s reviews found. We will accomplish this through a mixture of increased reporting, increased penalties, changes to the Board of Medical Practice, improved communication between agencies, additional training and protections for young patients. While these pieces of legislation aren’t going to be a cure-all, we hope they will address the issues identified and prevent future tragedies.”

HOUSE REPUBLICANS: “This package should correct some of the blatant lapses that tragically allowed an accused pedophile to operate in our community for years without detection,” said Rep. Ruth Briggs King (R-Georgetown). “While I’m deeply disheartened that these fixes come too late to help the many victims and their families, I take some solace that they will better protect our children in the future.”