

MEMORANDUM

DATE: June 24, 2009

TO: All Members of the Delaware State Senate

FROM: Ms. Daniese McMullin-Powell, Chairperson
State Council for Persons with Disabilities

RE: H.B. 163 (DHSS Death Review Committee)

The State Council for Persons with Disabilities (SCPD) has reviewed H.B. 163 which would create a committee to assess deaths of individuals receiving residential services through the Department of Health and Social Services (DHSS) or funded private providers. The purpose of the Committee is to assess causation; promote improvements in policies, practices, and the service delivery system; and reduce prospects for preventable deaths. SCPD strongly endorses the proposed legislation.

As background, SCPD endorsed H.B. 34 which required the establishment of a "Mental Health Death Review Committee" within the Division of Substance Abuse and Mental Health (DSAMH) based on a model operating within the Division of Developmental Disabilities Services (DDDS) since 2003. See attached March 9, 2009 memorandum. At the March 25 Health & Human Development Committee meeting, the DHSS Secretary supported the bill but recommended expansion to cover the entire Department, not simply DSAMH. This concept was favorably received by the Committee which included the following commentary:

Members of the committee found that this would help DHSS to assess and determine trends in service. It was also noted that there is no fiscal note attached to the legislation because the Controller General's office determined that it was under the cost threshold. The committee found that it might be helpful to create an amendment to the bill to expand the review committee to assess deaths from all DHSS providers.

Rather than amend H.B. 34, the sponsors have opted to introduce H.B. 165. It is essentially identical to H.B. 34 with some revisions to reflect its departmental status.

Thank you for your consideration and please contact SCPD if you have any questions regarding our position on the proposed legislation.

cc: The Honorable Jack A. Markell
Ms. Rita M. Landgraf
Mr. Brian Hartman, Esq.
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council