

MEMORANDUM

DATE: March 9, 2009

TO: All Members of the Delaware State Senate
and House of Representatives

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

RE: H.B. 34 [Mental Health Death Review Committee]

The State Council for Persons with Disabilities (SCPD) has reviewed H.B. 34 which would create a “Mental Health Death Review Committee” within the Division of Substance Abuse and Mental Health (DSAMH) similar to the “Mortality Review Committee” operated by Division of Developmental Disabilities Services (DDDS). SCPD endorses the proposed legislation and has the following observations.

There would be eight (8) members (lines 21-31) appointed by the DHSS Secretary. At least half (four) of the members would be drawn from a list of nominees compiled by the State Council for Persons with Disabilities (SCPD). This model is loosely based on special education panel appointments [Title 14 Del.C. §3137(d)(3)] and enhances the prospects for appointment of impartial and independent members.

The Committee would only review deaths of individuals in residential facilities operated or funded by DSAMH (lines 9-12). This limit is similar to the approach adopted by the DDDS policy. It recognizes that there is more responsibility for persons in residential programs. It also imposes a practical limit on the number of cases which will be referred to the Committee so that it is not overwhelmed.

The Committee’s focus is to assess causation; promote improvements in policies, practices, and the service delivery system; and reduce prospects for preventable deaths (lines 36-46). An annual report would be compiled for submission to DHSS, the Attorney General, DSAMH Advisory Council, and SCPD (lines 47-54).

DHSS would support and facilitate the operation of the Committee (lines 64-74). Other agencies

would be required to cooperate with Committee investigations (lines 75-79). To ensure frank and open review, meetings would be closed and information held confidential (lines 86-91).

The Department would arrange for the compilation of a death review report by an impartial nurse or other licensed professional which would include certain uniform information (lines 95-107). The report provides the primary basis for the Committee's review. This is the same approach adopted by DDDS.

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

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

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