



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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The Honorable John Carney,
Governor

John McNeal, Director
SCPD

MEMORANDUM

DATE: October 25, 2022

TO: Meredith Seitz – Deputy Principal Assistant/Chief Policy Advisor
Division of Prevention and Behavioral Health Services

FROM: Benjamin Shrader, Chairperson 
State Council for Persons with Disabilities

RE: Proposed DPBHS Regulations [701 Qualifications for Juvenile Mental Health Screeners, 26 Del. Reg. of Regulations 305 (October 1, 2022)]

The State Council for Persons with Disabilities (SCPD) has reviewed the Division of Prevention and Behavioral Health Services (DPBHS) proposed regulation to update existing regulations regarding credentialing and role of juvenile mental health screeners to expand eligibility to serve as a credentialed juvenile mental health screener. The proposed regulation was published as 26 DE Reg. 305 in the October 1, 2022, issue of the Register of Regulations. SCPD has the following observations and recommendations. SCPD has the following observations:

- Existing regulations became effective in 2016 overhauling Delaware's involuntary civil commitment statute. The new statute required emergency detention of a child. The first stage of that process had to be initiated by a credentialed mental health screener with authority being delegated to the department of Services for Children Youth and Their Families (DSCYF) to issue its own regulations on credentials for juvenile mental health screeners.
- In the case of those under 18 years, emergency detention is permitted under the statute when the child's parent or guardian is not willing to consent to treatment or cannot be identified and located and other criteria are met. This gives the Secretary of DSCYF authority in appointing a psychiatrist to conduct independent review.
- Emergency detentions are limited to 24 hours but can be extended if the child's parent or guardian is unavailable.

The proposed regulations would:

- Seek to allow unlicensed mental health professionals who are employed by DPBHS's contracted provider for Mobile Response and Stabilization Services (MRSS) to be credentialed as mental health screeners under supervision of a psychiatrist. Such providers would need to be employed by MRSS, have a Master's degree in a mental health related field, and have at least two years of clinical or crisis experience.
- Expand the definition of "eligible entity" to include any Delaware licensed medical hospital, DSCYF crisis service provider, and a Delaware licensed mental health hospital under contract with DSCYF.
- Add Board Certified Pediatric Emergency Physicians to the section regarding physician credentialing as emergency departments and medical hospitals are often the common point of access for children experiencing a mental health crisis.

Clarifies language in the case of voluntary admission stating that DSCYF's Division of Family Services has the authority to give consent for the voluntary admission of children in the division's custody. This would make the regulations consistent with recent statutory changes. See SB 255 (<https://legis.delaware.gov/BillDetail/89288>), and 16 Del. C. § 5003(f).

SCPD endorses the proposed changes to the regulations as they may streamline access to crisis care for children experiencing psychiatric emergencies for whom a parent or guardian may be unwilling to authorize care or cannot be immediately located.

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

cc: Josette Manning, Cabinet Secretary, DSCYF
Steven Yeatman, DSCYF
Aileen Fink, DPBHS
Ms. Laura Waterland, Esq., DLP
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council

26 DE. Reg. 305 DPBHS Juvenile Mental Health 10-25-22