



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES

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MEMORANDUM

DATE: March 11, 2013
TO: Members of the Delaware State Senate
FROM: Ms. Daniese McMullin-Powell, Chairperson
State Council for Persons with Disabilities
RE: H.B. 9 [Mental Health Detainment]

The State Council for Persons with Disabilities (SCPD) has reviewed H.B. 9 which clarifies the law on immunity regarding the process to detain or not detain a person for an involuntary mental health evaluation. Consistent with the synopsis, medical negligence claims arising after the mental health assessment and resulting clinical decision to detain, and claims unrelated to mental health, are not intended to be included in the immunity protection.

SCPD endorses the proposed legislation and appreciates the collaboration of the H.J.R. 17 Study Group which resulted in a consensus recommendation from a diverse group of stakeholders.

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

cc: Ms. Rita Landgraf
Ms. Deborah Gottschalk
Ms. Kevin Ann Huckshorn
Mr. James Lafferty
Mr. Matthew Stehl
Mr. Brian Hartman, Esq.
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council