



STATE OF DELAWARE  
**STATE COUNCIL FOR PERSONS WITH DISABILITIES**  
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**MEMORANDUM**

DATE: December 21, 2015

TO: Mr. Stephen Perales  
Division of Prevention & Behavioral Health Services

FROM: <sup>DMP/ARR</sup> Daniese McMullin-Powell, Chairperson  
State Council for Persons with Disabilities

RE: 19 DE Reg. 473 [DPBHS Proposed Juvenile Mental Health Screeners Regulation]

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Services for Children, Youth and Their Families/Division of Prevention and Behavioral Health Services (DPBHS) proposed regulation which creates qualifications for Juvenile Mental Health Screeners. The proposed regulation was published as 19 DE Reg. 473 in the December 1, 2015 Register of Regulations. SCPD has the following observations.

The Division proposes to adopt a regulation controlling the following aspects of juvenile mental health screeners: 1) who can become a screener; 2) the application process; 3) training process; 4) performance oversight; 5) suspensions/revocation of screener status; 6) appeals; and 7) related issues, as authorized by H.B. 346 of the 147th Delaware General Assembly.

The Department is seeking to expand the pool of individuals who can currently screen and detain juveniles. Presently only psychiatrists, board certified emergency physicians, and physicians can screen and detain individuals under the age of 18. This creates problems for youths with mental health disabilities, as they often must add a stop to the emergency room, to be screened by a qualified screener, in order to be admitted to a psychiatric hospital.

With this regulation, the Department is expanding the scope of Juvenile Mental Health Screeners to include some discrete classes of professionals: certain licensed non-physician mental health professionals who have completed DPBHS's juvenile mental health screener training or DSAHM's mental health screener training who have a current employment or contract relationship with a DSCYF operated facility, DPBHS crisis services, or a Delaware licensed mental health hospital under contract with the Department.

DPBHS will monitor the use of detainment of youths via multiple provisions of the regulation:

- 6.2.2: DPBHS will collect and monitor all DPBHS Emergency Detainment Request Forms for detainments paid in whole or in part by DPBHS.
- 6.2.3: For youth who are not presently involved with DPBHS, the Division will collect aggregate data from the psychiatric facilities in a monthly report. DPBHS can request a redacted copy of the Emergency Detainment Request form for specific juveniles, or in aggregate.
- 6.3: Record keeping compliance monitoring will occur.
- 6.3.1: DPBHS aggregate data of juvenile mental health screener detentions will be available to the public.
- 6.3.2: Review for anomalies in detainment rates will occur.
- 7.1.5 and 7.1.6: Suspension of juvenile mental health screener status is authorized due to concerns with performance, including overuse of emergency detainments, or concerns identified in a complaint or appeal submitted to DPBHS's Quality Assurance Department.
- 7.1.6: DPBHS's psychiatrist will review any complaints or appeals having to do with a juvenile mental health screener.

SCPD has the following recommendation:

For enhanced clarity, the first sentence of 3.2.3.2. could be revised as follows: “Current employment or contract relationship required with one of the following: DSCYF operated facility, DSCYF crisis services, or a Delaware licensed mental health hospital under contract with DSCYF.”

SCPD endorses the proposed regulation subject to inclusion of the aforementioned amendment since it should remove an impediment to quickly accessing emergency mental health services, and creates mechanisms for DPBHS to monitor the use of detainments of juveniles.

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: Ms. Susan Cocyk, DPBHS  
Mr. Brian Hartman, Esq.  
Governor's Advisory Council for Exceptional Citizens  
Developmental Disabilities Council