



Governor's Advisory Council for Exceptional Citizens (GACEC) 516 West Loockerman St., Dover, DE 19904
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June 29, 2023

Joe Aronson
Division of Substance Abuse and Mental Health
1901 North DuPont Highway/P O Box 906
New Castle, DE 19720-0906 (302-255-4427)

RE: 26 DE Reg. 1023 DHSS/DSAMH 6002 Credentialed Mental Health Screeners and Payment for Voluntary Admissions Regulations (June 1, 2023)

Dear Mr. Aronson:

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed the Delaware Department of Health and Social Services (DHSS)/Division of Substance Abuse and Mental Health (DSAMH) proposal to amend the regulations, which govern the credentialing of mental health screeners. The proposed amendments would strike all existing language and replace it with significantly streamlined and reorganized regulations. The proposed amendments would create a requirement for psychiatrists to register with DSAMH in order to act as a mental health screener; under the existing regulations no credentialing or registration is required for psychiatrists licensed to practice medicine in Delaware. Under the proposed amendments, the Division would then have discretion to deregister a psychiatrist for failure to comply with law, regulation or policy. Council would like to share the following observations on the proposed regulations.

With respect to training of screeners, the proposed amendments simply state that to be eligible for credentialing an applicant must complete "the Division-required training," with no further description of what this training entails. The existing regulations are relatively detailed with respect to how many hours of training applicants of various types (depending on whether the applicant was a physician, or a licensed or unlicensed mental health professional) for both initial credentialing and renewal of a credential. The synopsis of the proposed regulations states that the amendments "[r]emove[] burdensome and unnecessary regulatory requirements mandating the number of hours required for credentialing and renewal." While the previous regulations may have been wordy, it is not clear from the language of the proposed regulations how many hours of training will be required or whether training requirements would be at all different for applicants of various types. Given the nature of the interventions that a screener has the authority to order, it seems essential that screeners be thoroughly trained. Council would recommend more specific rules and transparency about training for mental health screeners. Council would also encourage increased oversight of the psychiatrist performing screening as provided for in the proposed amendments.

The existing regulations contain a provision related to payment to hospitals for voluntary and involuntary admissions, which would require independent review of forms and documentation by a psychiatrist

designated by the DHSS to approve state payment. The existing regulations state the following: “[t]he review’s specific purpose will be to confirm that: the admission represents the most appropriate and least restrictive treatment for the client in crisis; that the duration of stay for the admitted client is reviewed and deemed appropriate, and that the State is the payer of last resort.” This requirement is absent from the proposed amendments and no explanation is provided for why this language is removed. Council would recommend that the language in the existing regulations about payment for treatment and related oversight be carried into the revised regulation.

Thank you for your time and consideration of our observations and recommendations. Please feel free to contact Pam Weir or me should you have any questions on our comments.

Sincerely,

Ann C Fisher

Ann C. Fisher
Chairperson

ACF: kpc