



SPONSOR: Rep. Bentz & Sen. Townsend  
Reps. Brady, Briggs King, Heffernan, Lynn; Sen. Hansen

HOUSE OF REPRESENTATIVES  
150th GENERAL ASSEMBLY

HOUSE BILL NO. 103

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE DIVISION OF SUBSTANCE ABUSE AND MENTAL HEALTH.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 7908, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 7908 Division of Substance Abuse and Mental Health.

~~The Division of Substance Abuse and Mental Health is established having the power to perform and shall be responsible for the performance of all of the powers, duties and functions heretofore vested in the Board of Trustees of the Department of Mental Health and the Department of Mental Health pursuant to Chapters 51, 53, 55, 57, 59 and 61 of Title 16.~~

(a) There is hereby established the Division of Substance Abuse and Mental Health under the direction and control of the Secretary of the Department of Health and Social Services.

(b) The Division of Substance Abuse and Mental Health shall be responsible for providing and overseeing public mental health and substance use treatment services serving individuals who are 18 years old and older.

(c) The Division of Substance Abuse and Mental Health shall have the following powers and duties:

(1) Plan for, establish, implement, amend and revise standards for mental health programs serving individuals who are 18 years old and older.

(2) The authority to create, implement, and oversee licensing requirements for all mental health treatment programs serving individuals who are 18 years old and older.

(3) Provide, facilitate, and create educational and training programs related to mental health and substance use.

(4) Make contracts necessary or incidental to the performance of its duties and execution of its powers.

(5) Operate the Delaware Psychiatric Center, including maintaining a forensic unit as required by Chapter 51 of Title 16.

22           (6) Acquire, hold or dispose of real property or any interest therein, and construct, lease or otherwise provide  
23           treatment facilities for individuals in need of treatment.

24           (7) Carry out all powers and duties set forth in Chapters 22, 50, 51, 59, and 61 of Title 16.

25           (8) Coordinate with other divisions within the Department of Health and Social Services, as well as with the  
26           Department of Services for Children Youth and Their Families, as necessary to provide appropriate individualized  
27           treatment services and address systemic public health needs.

28           (9) Solicit and accept for use any money, real property or personal property made by will or otherwise and any  
29           grant of money, services or property from the federal government, the State or any political subdivision thereof or any  
30           private source, and take all actions necessary to cooperate with the federal government or any of its agencies in making  
31           an application for any grants.

32           (10) Administer or supervise the administration of the provisions relating to individuals in need of mental  
33           health or substance use treatment of any State plan submitted for federal funding pursuant to federal health, welfare or  
34           treatment legislation.

35           (11) Take all other actions necessary to execute the authority expressly granted to the Division of Substance  
36           Abuse and Mental Health.

37           (d) The Division of Substance Abuse and Mental Health shall be authorized to promulgate rules and regulations to  
38           implement this section.

#### SYNOPSIS

This bill reflects in greater detail the work performed by DSAMH and ensures that DSAMH has the appropriate authority to license and oversee community mental health providers as they do with SUD facilities. DSAMH essentially already does this when they draft their contracts, so providers are already required to meet their specific standards. This bill establishes uniform standards for providers.