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Jaques, Keeley, Kowalko, Mitchell, Osienski, Paradee, M.
Smith, K. Williams, Wilson

DELAWARE STATE SENATE

148th GENERAL ASSEMBLY

SENATE BILL NO. 197
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO MATERNAL MENTAL HEALTH.

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

Section 1. Amend Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

CHAPTER 8D. MATERNAL MENTAL HEALTH.

§ 801D. Policy.

The maternal mental health care policy of this State shall serve to increase the likelihood that a woman who has given birth and demonstrates symptoms of maternal depression will receive the necessary mental health treatment. The goal of this policy is to provide sufficient resources of information and support, including patient screening soon after childbirth, for women with maternal depression to decrease child abuse or neglect and the need for inpatient treatment.

§ 802D. Definitions.

As used in this chapter:

(1) "Maternal depression" means a wide range of emotional and psychological reactions that a woman may experience during pregnancy or after childbirth, as the range of reactions is defined in the Diagnostic and Statistical Manual of Mental Disorders. The reactions may include feelings of despair or extreme guilt, prolonged sadness, lack of energy, difficulty concentrating, fatigue, extreme changes in appetite, or thoughts of suicide or harming the baby.

(2) “Maternal health care provider” means a physician, midwife, advanced practice registered nurse, registered nurse, physician assistant, or other health care practitioner acting within his or her lawful scope of practice while attending a woman who presents with signs of maternal depression.

§ 803D. Maternal depression materials and information.

(a) The Department shall develop written materials and information about maternal depression.

(1) The materials and information shall include the symptoms and methods of coping with maternal depression and treatment resources.

(2) The Department shall periodically review the materials and information to determine their effectiveness and ensure they reflect the most up-to-date and accurate information.

(3) The Department shall post on its website the materials and information.

(4) The Department may make available or distribute the materials and information in physical form upon request.

(b) Maternal health care providers shall do all of the following:

(1) Provide the materials and information developed under subsection (a) of this section to any woman who presents with signs of maternal depression.

(2) Encourage any woman who presents with signs of maternal depression to share the materials and information with her baby’s family members or caregivers and her family members and caregivers.

(c) Hospitals and other health care facilities shall do all of the following:

(1) Provide, upon discharge, the materials and information developed under subsection (a) of this section to any woman who presents with signs of maternal depression.

(2) Encourage any woman who presents with signs of maternal depression to share the materials and information with her baby’s family members or caregivers and her family members and caregivers.

(d) The Behavioral Health Commission shall assess and recommend improvements to the materials and information developed under subsection (a) of this section, in an effort to create greater statewide resources.

§ 804D. Maternal depression screening.

Maternal health care providers shall begin evaluations and take action when they recognize symptoms of maternal depression in a woman or family, including when care for a baby suffers or other symptoms as defined in the Diagnostic and Statistical Manual of Mental Disorders.

§ 805D. Enforcement.

The Department may develop regulations governing compliance under this chapter.