

Delaware Developmental Disabilities Council

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TO: Delaware General Assembly
FROM: Developmental Disabilities Council
DATE: February 27, 2009
RE: H.B. No. 38 Critical Incident Reporting

The Developmental Disabilities Council **strongly supports H.B. 38** which would require the Delaware Psychiatric Center (DPC), other mental hospitals certified to accept involuntary commitments, and the Stockley Center to report resident deaths and "critical incidents" to the Disabilities Law Program (DLP) within 72 hours of occurrence. We offer the following remarks.

The term "critical incidents" is restrictively defined to include only the following: 1) attempted suicide; 2) seclusion exceeding 15 minutes; 3) physical restraint exceeding 5 minutes or resulting in injury; and 4) victimization prompting solicitation of police intervention or investigation (lines 6-10). Facilities would be required to cooperate with a DLP assessment or investigation prompted by the report (lines 32-35) and retaliation against persons cooperating with such an assessment or investigation is prohibited (lines 33-35).

Thank you for your consideration of our endorsement. Should you have any questions please contact our office at 739-3333.

Cc: Rita Landgraf, Secretary DHSS
Governor's Advisory Council for Exceptional Citizens
State Council for Persons with Disabilities

