

CHAPTER 395
FORMERLY
SENATE BILL NO. 221
AS AMENDED BY
SENATE AMENDMENT NO. 1

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

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

Section 1. Amend Title 16, Section 5530(a)(6) of the Delaware Code by deleting “Nieces and Nephews” and substituting in lieu thereof “An adult aunt or uncle;” and creating a new subsection (7) to read as follows “(7) An adult niece or nephew; or” and a new subsection (8) to read as follows “(8) A grandparent.”

Section 2. Amend Title 16, Section 5530(b) by deleting subsection (b) in its entirety and substituting in lieu thereof:

“(b) “Elective surgery” is a surgical medical or dental procedure, not including sterilization, for the purposes of non-life threatening treatment or diagnosis.”

Section 3. Amend Title 16, Section 5530(d) by deleting subsection (d) in its entirety and substituting in lieu thereof:

“(d) Persons receiving services from the Division of Developmental Disabilities Services (DDDS)” shall mean, for the purposes of this subchapter, those persons served within the residential program of the Division.”

Section 4. Amend Title 16, Section 5531(a) by inserting “(“DDDS”)” after the word “Services” and before the word “may”.

Section 5. Amend Title 16, Section 5531(b)(1) by deleting the phrase “diagnosed with mental retardation or other specific developmental disabilities” and substituting in lieu thereof “receiving services from DDDS” and by deleting the phrase “the least restrictive and” and substituting in lieu thereof “an appropriate and least”.

Section 6. Amend Title 16, Section 5531(b)(2) by deleting the phrase “of 2 physicians or 2 dentists, as the case may be, not” and substituting in lieu thereof “from at least 1 physician or 1 dentist, as applicable, who are not directly”.

Section 7. Amend Title 16, Section 5531(b)(3) by deleting the phrase “diagnosed with mental retardation or other specific developmental disabilities” and substituting in lieu thereof “receiving services from DDDS”

Section 8. Amend Title 16, Section 5531(b)(2) by deleting the “s” from the word “recommendations.”

Section 9. Amend Title 16, Section 5530 by deleting “, unless a petition for divorce has been filed, or unless the patient has filed a petition or complaint alleging abuse, as defined in § 1041(1) of Title 10, of the patient by the spouse” and creating a new subsection (e) to read “(e) Individuals specified in this subsection are disqualified from acting as an alternate decision maker if the person receiving services from DDDS has filed a petition for a Protection From Abuse order against the individual or if the individual is the subject of a civil or criminal order prohibiting contact with the person receiving services from DDDS.”

Approved July 15, 2010