

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF SUBSTANCE ABUSE AND MENTAL HEALTH
6000 Division of Substance Abuse and Mental Health

6002 Credentialed Mental Health Screeners

1.0 Authority

The Division of Substance Abuse and Mental Health, within the Department of Health and Social Services, promulgates this regulation under the authority of 16 Del.C. §5004.

2.0 Definitions

The following words and terms, when used in this regulation, have the following meaning:

"Advanced Practice Registered Nurse" or "APRN" means as defined under 24 Del.C. §1902(b).

"Baccalaureate Social Worker" or "BSW" means as defined under 24 Del.C. §3902(5).

"Certificate to practice medicine" or "medical license" means as defined under 24 Del.C. §1702(2).

"Credentialed mental health screener" or "screener" means as defined under 16 Del.C. §5001(2).

"Designated psychiatric treatment facilities" or "facility" means as defined under 16 Del.C. §5001(6).

"Division" means the Division of Substance Abuse and Mental Health.

"Institutional License" or "training license" means a medical license as outlined under 24 Del.C. §1722(a)(2).

"Licensed clinical social worker" or "LCSW" means as defined under 24 Del.C. §3902(18).

"Licensed marriage and family therapist" or "LMFT" means as defined under 24 Del.C. §3051(c).

"Licensed mental health professional" or "LMHP" means any of the following:

- An APRN certified as a psychiatric-mental health nurse practitioner by the American Nurses Credentialing Center.
- An LCSW.
- An LMFT.
- An LPCMH.
- A PA-C certified in psychiatry by the National Commission on Certification of Physician Assistants.
- A psychiatry resident.
- A psychologist.

"Licensed professional counselor of mental health" or "LPCMH" means as defined under 24 Del.C. §3031(2).

"Physician" means as defined under 24 Del.C. §1702(10). The term includes an allopathic Doctor of Medicine and surgery or a Doctor of Osteopathic Medicine and Surgery with a valid license to practice medicine working in a United States Department of Veterans Affairs medical center in the State.

"Physicians Assistant" or "PA-C" means as defined under 24 Del.C. §1770A(4).

"Psychiatric-mental health advanced practice registered nurse" or "PMH-APRN" means an APRN certified as a psychiatric-mental health nurse practitioner by the American Nurses Credentialing Center.

"Psychiatrist" means as defined under 16 Del.C. §5001(15).

"Psychiatry resident" means an individual who holds a training license and is enrolled in an accredited residency training program in psychiatry.

"Psychologist" means as defined under 24 Del.C. §3502(7).

"Relative" means an individual related to another by consanguinity or affinity within the third degree.

"Screening" means the emergency assessment of an individual's mental condition to determine the need for involuntary observation or treatment or both by a screener under 16 Del.C. Ch. 50.

"Unlicensed mental health professional" or "UMHP" means an individual who is not a psychiatrist, physician, PMH-APRN, or LMHP.

"Victim" means as defined under 11 Del.C. §9401(7).

3.0 Purpose

This regulation sets forth the requirements and procedures for conducting screenings, registering psychiatrists, and credentialing screeners.

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4.0 Applicability

This regulation applies to all screeners.

5.0 Screening Prerequisites

- 5.1 Except as otherwise provided under subsections 5.2 and 5.3 of this regulation, an individual must not conduct a screening.
- 5.2 A psychiatrist registered by the Division may conduct a screening.
- 5.3 An individual credentialed by the Division may conduct a screening.

6.0 Qualifications

- 6.1 Before registering with the Division to perform screenings, a psychiatrist must do all of the following:
 - 6.1.1 Possess a valid medical license.
 - 6.1.2 Complete an accredited residency training program in psychiatry.
- 6.2 Before applying for credentialing, a physician must possess a valid medical license.
- 6.3 Before applying for credentialing, a PMH-APRN must possess a valid license and a valid psychiatric-mental health nurse practitioner certification from the American Nurses Credentialing Center.
- 6.4 Before applying for credentialing, an LMHP must do all of the following:
 - 6.4.1 Possess at least 1 of the following:
 - 6.4.1.1 Valid licensure as an LCSW.
 - 6.4.1.2 Valid licensure as an LPCMH.
 - 6.4.1.3 Valid licensure as a PA-C and valid certification in psychiatry by the National Commission on Certification of Physician Assistants.
 - 6.4.1.4 Valid licensure as a psychologist.
 - 6.4.1.5 A valid training license and proof of enrollment in an accredited residency training program in psychiatry.
 - 6.4.2 Have at least 2 years of direct experience providing clinical services to individuals with mental health conditions.
- 6.5 Before applying for credentialing from the Division, a UMHP must practice under the supervision of a psychiatrist and do at least 1 of the following:
 - 6.5.1 Have a bachelor's degree in a mental health-related field from an accredited educational institution and at least 4 years of direct experience providing clinical services to individuals with mental health conditions.
 - 6.5.2 Have at least a master's degree in a mental health-related field from an accredited educational institution and at least 2 years of direct experience providing clinical services to individuals with mental health conditions.

7.0 Registration of Psychiatrists

- 7.1 Except as otherwise provided under this subsection, the Division may not register a psychiatrist. The Division shall register a psychiatrist that does all of the following:
 - 7.1.1 Meets the qualifications under Section 6.0 of this regulation.
 - 7.1.2 Applies to the Division by completing the Division's application form and submitting documentation proving that the psychiatrist is qualified under Section 6.0 of this regulation.
- 7.2 Except as otherwise provided under subsections 7.3, 7.4, and 7.5 of this regulation, a psychiatrist's registration is valid for 10 years from the date the Division registers the psychiatrist.
- 7.3 If a psychiatrist applies to renew their registration before it expires, their registration is valid until the Division approves or rejects the application.
- 7.4 Whenever a psychiatrist does not comply with federal, state, or local law, regulation, or policy, the Division may deregister the psychiatrist.
- 7.5 Whenever a psychiatrist registered with the Division does not meet the requirements under Section 6.0 of this regulation, the Division shall deregister the psychiatrist.
- 7.6 The Division shall notify a psychiatrist immediately after deregistering the psychiatrist.

7.7 A psychiatrist may appeal deregistration to the Division Director. An appeal must be made in writing no later than 10 days after the Division deregisters the psychiatrist under subsection 7.4 or 7.5 of this regulation. No more than 30 days after receiving the appeal, the Division Director shall review the appeal, make a final determination, and notify the psychiatrist of the determination.

8.0 Credentialing

8.1 Except as otherwise provided under this subsection, the Division may not credential an individual. The Division shall credential an individual that does all of the following:

8.1.1 Meets the qualifications under Section 6.0 of this regulation.

8.1.2 Applies to the Division by completing the Division's application form and submitting documentation proving that the individual is qualified under Section 6.0 of this regulation.

8.1.3 Completes the Division-required training.

8.1.4 Achieves a satisfactory score on the Division's examination.

8.2 Except as otherwise provided under subsections 8.3, 8.4, and 8.5 of this regulation, a credential is valid for 2 years from the date of issuance by the Division.

8.3 If a screener applies to renew their credential before it expires, the credential is valid until the Division approves or rejects the application.

8.4 The Division may suspend or revoke a screener's credential whenever the individual fails to comply with federal, state, or local law, regulation, or policy.

8.5 Whenever a screener does not meet the requirements under Section 6.0 of this regulation, the Division shall revoke the screener's credential.

8.6 The Division shall notify a screener immediately after suspending or revoking the screener's credential.

8.7 A screener may appeal a revocation or suspension of their credential to the Division Director. An appeal must be made in writing no later than 10 days after the Division suspends or revokes the screener's credential under subsection 8.4 or 8.5 of this regulation. No more than 30 days after receiving the appeal, the Division Director shall review the appeal, make a final determination, and notify the screener of the determination.

9.0 Screenings

A screener must conduct a screening per 16 **Del.C.** Ch. 50, this regulation, and the Division's policies.

10.0 Conflicts of Interest

10.1 Whenever a screener conducts a screening, the screener shall disclose any existing or potential conflict of interest relating to the individual undergoing screening.

10.2 Conflicts of interest include the following:

10.2.1 The screener is a relative of the individual undergoing screening.

10.2.2 The screener is an employee of a facility.

10.2.3 The screener is a victim or the relative of a victim of a crime committed by the individual undergoing screening.

10.3 A disclosure under this section must be made in writing on the form provided by the Division.

16 DE Reg. 992 (03/01/13)

17 DE Reg. 72 (07/01/13)

27 DE Reg. 185 (09/01/23)