

CHAPTER 261
FORMERLY
HOUSE BILL NO. 347

AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE BOARD OF MENTAL HEALTH AND CHEMICAL DEPENDENCY PROFESSIONALS.

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

Section 1, Amend Title 24, § 3003 of the Delaware Code as follows:

§ 3003 Board of Mental Health and Chemical Dependency Professionals; appointments; composition; qualifications; terms; vacancies; suspension or removal; unexcused absences; compensation.

(a) There is created a Board of Mental Health and Chemical Dependency Professionals, which shall administer and enforce this chapter.

(b) The Board shall consist of 9 members, appointed by the Governor, who are residents of this State. The Board shall be comprised of 6 professional members and three public members. The professional members shall consist of at least 2 professional counselors of mental health, at least 2 licensed chemical dependency professionals and when possible at least 1 licensed marriage and family therapist. The public members shall not be, nor ever have been, mental health or chemical dependency professionals, employed by a mental health or chemical dependency professional, nor have been engaged in an activity directly related to the practice of a mental health or chemical dependency professional. The public members shall be accessible to inquiries, comments and suggestions from the public.

(c) Except as provided in subsection (d) of this section, each member shall serve a term of 3 years and may succeed himself or herself for 1 additional term. A term of office expires on the date specified in the appointment; however, the Board member shall remain eligible to participate in Board proceedings unless and until replaced by the Governor.

(d) A person who has never served on the Board may be appointed to the Board for 2 consecutive terms; but no such person shall thereafter be eligible for 2 consecutive appointments. No person who has been twice appointed to the Board, or who has served on the Board for 6 years within any 9-year period, shall again be appointed to the Board until an interim period of at least 1 term has expired since such person last served.

(e) Any act or vote by a person appointed in violation of this section shall be invalid. An amendment or revision of this chapter is not sufficient cause for any appointment or attempted appointment in violation of subsection (d) of this section, unless such an amendment or revision amends this section to permit such an appointment.

(f) A member of the Board shall be suspended or removed by the Governor for misfeasance, nonfeasance, malfeasance, misconduct, incompetence or neglect of duty. A member subject to disciplinary hearing shall be disqualified from Board business until the charge is adjudicated or the matter is otherwise concluded. A Board member may appeal any suspension or removal to the Superior Court.

(g) No member of the Board, while serving on the Board, shall hold elective office in any association of mental health or chemical dependency professionals, nor serve as head of a professional association's political action committee.

(h) The provisions of Chapter 58 of Title 29 shall apply to members of the Board.

(i) A member who is absent without adequate reason for 3 consecutive meetings or who fails to attend at least half of all regular business meetings during any calendar year shall be guilty of neglect of duty.

(j) Each member of the Board shall be compensated at an appropriate and reasonable level as determined by the Division of Professional Regulation and may be reimbursed for all expenses involved in each meeting, including travel, according to Division policy.

Section 2. This Act shall take effect upon its enactment into law but shall not apply to the current terms of the members as of the date of enactment.

Approved June 09, 2016