

(Representative Tim) Murphy's Law

H.R. 3717: What Can Go Wrong, Will Go Wrong

Bill Summary

Title I: Creates Assistant Secretary of Health and Human Services (HHS) for the Substance Abuse and Mental Health Services Administration (SAMHSA) and amends SAMHSA 42 USC §§290aa, *et seq.*

Related Issues:

- Requires that the Assistant Secretary be a doctor or psychologist.
- Changes generally require that medical professionals have a majority voice in all segments of Mental Health policy.
- Provides grants to encourage involuntary outpatient commitment.
- Provides other new medical grants.

Title II: Provides grants for "federally qualified behavioral health clinics" to promote access to mental health services.

Related Issues:

- Requires provision of services with diminished choice, e.g. "team" manages consumer's services.

Title III: Allows family members of adult consumers and others to access health and educational records related to people evaluated for mental "disorders."

Related Issues:

- Consumers would not control access to health info in situations in which other patients have that right.

Title IV: Changes rules for law enforcement, court, and corrections programs administered by Department of Justice related to consumers.

Related Issues:

- Several programs are amended, the effects of which are unknown.

Title V: Changes Medicare and Medicaid rules. It would allow for payment of certain services currently not covered, including optional inpatient treatment of non-elderly adults and change rules for payment of psychiatric drugs.

Related Issues:

- Likely to encourage involuntary treatment.

Title VI: Provides program for brain research.

Related Issues:

- Directs funding to brain science, which has not been promising over the past few decades, rather than toward more research on support for community living.

Title VII: Changes rules for community mental health block grant program.

Related Issues:

- To receive their block grant, states must have laws allowing involuntary outpatient "treatment" (commitment) under very broad criteria. Courts can order outpatient commitment for people who are not a danger to themselves or others if they "are persistently or acutely disabled", "have a history of unnecessary hospitalizations", or are "likely to deteriorate".

Title VIII: Requires the Department of Education and SAMHSA to "organize a national ["stigma"] awareness campaign..." for secondary and postsecondary students.

Related Issues:

- Linked to "understanding the importance of seeking treatment from a physician..."

Title IX: Expands technology assistance grants to various mental health professionals and treatment facilities.

Related Issues:

- More money for health industries.
- Funds costs of electronic medical health records.

Title X: Provides immunity from liability for certain mental health professionals.

Related Issues:

- Injured consumers would not have access to legal recourse.

Title XI: SAMHSA reauthorization – reauthorizes and updates law, generally increasing role of doctors at expense of consumers.

Related Issues:

- Fails to include NCIL consumer empowerment provisions and decreases consumer empowerment.
- Precludes Protection and Advocacy for Individuals with Mental Illness (PAIMI) from lobbying, systems litigation, or much of the individual advocacy it currently provides around housing, employment and other issues or "counseling an individual who lacks insight..."
- Precludes SAMHSA from offering any program without explicit congressional authorization, which ends grants to consumer and family state networks and mental health technical assistance centers.