

The Judge David L.

BAZELON CENTER

for Mental Health Law

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The Bazelon Center for Mental Health Law is encouraged that the version of H.R. 2646 that passed out of the House Committee on Energy and Commerce on June 15, 2016 omits some of the most harmful provisions of the original bill. We are pleased that this version recognizes the importance of the Protection and Advocacy for Individuals with Mental Illness (PAIMI) program and eliminates provisions that would have limited PAIMI's authority to advocate and seek remedies for people with psychiatric disabilities. We also applaud the removal of provisions designed to promote the use of outpatient commitment through federal mental health block grant incentives, provisions creating a lower standard of privacy for people with "serious mental illness," and provisions that would have dramatically expanded federal Medicaid payments for psychiatric hospitals. We applaud the committee for removing those provisions.

However, we continue to have concerns about some aspects of the bill that passed the committee. For example, the provisions related to the Health Insurance Portability and Accountability Act (HIPAA) perpetuate mistaken interpretations of science and factual inaccuracies about what HIPAA does and does not allow. We also oppose the extension of the Assertive Outpatient Treatment pilot program for an additional four years; given the lack of evidence that involuntary outpatient commitment is more effective than voluntary services, we do not believe this is a good use of scarce federal resources for mental health. Moreover, we are troubled by the transfer of the Substance Abuse and Mental Health Services Administration (SAMHSA) authorities from the SAMHSA Administrator to a newly created Assistant Secretary for Mental Health and Substance Use, effectively eliminating SAMHSA as it currently exists.

We look forward to working with Members of Congress as this bill comes to the floor and hope that these concerns will be addressed.