## **Mental Health Liaison Group**

September 22, 1999

Honorable Tom A. Coburn House of Representatives Washington, DC 20515

Dear Dr. Coburn:

As members of the Mental Health Liaison Group, we are writing to express our opposition to the current version of the Health Care Quality & Choice Act, which you have introduced with Representative John Shadegg as H.R. 2824.

We are very concerned that the definition of personal injury in Section 302 could be interpreted to exclude mental injury such as depression that deteriorates even further due to denied treatment. While the debate continues about the extent to which managed care reform legislation shall give patients access to the courts, persons with mental disorders are presently given no ability to seek managed care legal accountability under your bill, despite the extremely serious consequences that may result from failure to treat those disorders. For example, if an individual is absent from work as a result of untreated depression that results in injury, there would be no access to the legal system. We appreciate your stated willingness to work out language that would not so exclude mental injury in the bill.

We are also concerned about the provision that would require enrollees to exhaust internal and external appeals before filing a lawsuit, a lengthy process that should not be imposed on enrollees who are already injured by health plan negligence. Further, the placement of dollar caps on noneconomic damages may so restrict the remedies available to consumers, especially women not in the work force and children, that health plans may have little incentive to provide clinically necessary care.

H.R. 2824 does not include a provision guaranteeing enrollees access to medically necessary pharmaceuticals that are outside of a plan's formulary, a key protection for many persons with mental illness. In addition, the continuity of care provisions in your legislation appear to closely track the language contained in Senate-passed managed care measure (S. 1344). Unfortunately, these protections are of little value to children and adults with mental disorders because they leave out individuals participating in an ongoing course of treatment.

We regret that your current reform proposals are not more supportive of the interests of people with mental disorders but we would be pleased to work with you to significantly strengthen the consumer protections contained in H.R. 2824 as the Congressional debate continues.

## Sincerely,

Alliance for Children and Families

American Academy of Child and Adolescent Psychiatry

American Association for Psychosocial Rehabilitation

American Association of Children's Residential Centers

American Association of Pastoral Counselors

American Association of Private Practice Psychiatrists

American Board of Examiners in Clinical Social Work

American Counseling Association

American Family Foundation

American Federation of State, County and Municipal Employees

American Group Psychotherapy Association

American Nurses Association

American Occupational Therapy Association

American Orthopsychiatric Association

American Psychiatric Nurses Association

American Psychological Association

American Society of Clinical Psychopharmacology

Anxiety Disorders Association of America

Association for the Advancement of Psychology

Association for Ambulatory Behavioral Healthcare

Bazelon Center for Mental Health Law

Children and Adults with Attention-Deficit/Hyperactivity Disorder

Clinical Social Work Federation

Federation of Behavioral, Psychological & Cognitive Sciences

International Association of Psychosocial Rehabilitation Services

National Association for Rural Mental Health

National Association of Anorexia Nervosa and Associated Disorders

National Association of Protection and Advocacy Systems

National Association of School Psychologists

National Association of Social Workers

National Association of Psychiatric Treatment Centers for Children

National Council for Community Behavioral Healthcare

National Depressive and Manic-Depressive Association

National Foundation for Depressive Illness

National Mental Health Association