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 Psychi atrists
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