Republican Leadership Dividing Congressman Murphy’s Mental Health Bill

House Republican leaders are breaking up a comprehensive and controversial legislative proposal on mental health in the hopes of passing some of its provisions individually. In an article on The Hill, Elsie Viebeck reported the House Energy and Commerce Committee indicated it will divide the Helping Families in Mental Health Crisis Act in an attempt to pass individual components that are more likely to receive support. The author of the bill, Representative Tim Murphy (R-PA), has argued comprehensive reform is needed to truly make a difference for people with serious mental illness but some items have generated an outcry from the mental health community. READ MORE

Mental Health Proposals Arise from Stanford Law School’s Three Strikes Project Report

Senate leader Darrell Steinberg (D-Sacramento) and the Senate Democratic Caucus are proposing a series of recommendations to improve public safety by enhancing mental health care within the state’s criminal justice system and reducing recidivism among mentally ill offenders. According to a post on Senator Steinberg’s website, the policy and budget proposals are guided by a new study conducted by Stanford Law School's Three Strikes Project, which finds policy changes can “help ameliorate the enormous human and fiscal cost of warehousing the mentally ill in California prisons.” READ MORE

Sylvia Burwell is Confirmed Easily with Bipartisan Vote

The Senate confirmed Sylvia Mathews Burwell, the White House’s budget director for the past year, as the 22nd secretary of the Department of Health and Human Services on Thursday, June 6. In an article for the Washington Post, Amy Goldstein reported that with a bipartisan vote, senators approved Burwell to lead the government’s largest domestic department, ending a smooth and speedy confirmation process. READ MORE

Listen and Watch

Listen to an NPR story on the divide over involuntary mental health treatment and watch Diana Dooley, Secretary of California’s Health and Human Services Agency, discuss Disruptive Innovations and the Affordable Care Act. READ MORE

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Republican Leadership Dividing Congressman Murphy’s Mental Health Bill

In addition to not emphasizing prevention and early intervention, his bill alarmed some mental health advocates with the way he would fund programs for the most serious of mental illnesses.

The bill would:

• Form a new position, the Assistant Secretary of Mental Health and Substance Abuse Disorders, who would report annually to Congress and would be responsible for mental health funding

Currently, the Substance Abuse and Mental Health Services Administration (SAMSHA) administers mental health grants to states.

• Require states receiving grants to allow people to be hospitalized against their will when they need treatment, not simply when they pose a danger to themselves or others

This would be a substantial change in the standards currently in place for most states.

• Interpret HIPAA privacy rules in such a way as to allow family members more access to information about the care their loved one receives

Today, Murphy says, privacy rules lead families to be shut out of their children’s care for kids as young as 14.

• Change Medicaid funding to allow psychiatric hospitals to be reimbursed for short-term care

Psychiatric hospitals with more than 16 beds are not currently eligible for Medicaid funding for most adult patients. Hospital closures have left many mentally ill patients without a place to go when they are in serious crisis and may end up in jail or on the streets.

The legislation has received pushback from mental health advocates for the civil rights concerns around involuntary detention and the loosening of privacy protections, and also because of the lack of emphasis on recovery, prevention and early intervention.

In our last issue, At A Glance featured the Strengthening Mental Health in Our Communities Act of 2014, a different bill proposed by Congressman Ron Barber (D-AZ) along with Congresswoman Doris Matsui (D-CA). In an article on the website for USA Today, Lisa Szabo reports there are similarities between the two bills, including the fact that both Murphy and Barber have spent years in the mental health field. Barber's bill would increase mental health funding for veterans and active duty service members; create "mental health first aid" programs in schools and communities; and create a White House Office for Mental Health Policy, among other changes.
The decision by Republican Leadership to divide the Murphy bill signals recognition that certain segments will be too unpopular to pass, dismantling the sweeping changes proposed by the author. With this new piecemeal approach, the bill may be more successful in passing Congress, but will almost definitely not bring about the sweeping comprehensive reform sought by Murphy and his co-authors. It remains to be seen what compromises will be seen in both the mental health bills as they move through the legislative process.

**Mental Health Proposals Arise from Stanford Law School’s Three Strikes Project Report**

The study, “When did Prisons Become Acceptable Mental Healthcare Facilities?” is co-authored by Senator Steinberg, Stanford Law Professor David Mills and Three Strikes Project Director Michael Romano and was released just days after a mass killing in Santa Barbara. The report focuses on how California prisons have become de facto mental health facilities at a fiscal and moral cost much greater than if the state were to provide adequate treatment and support.

The report concludes establishing two key priorities – reforming sentencing of the mentally ill and providing adequate treatment both in and out of prison – can help bring about change to a kinder, more equitable and cost-effective system.

As a result of those findings, Senate Democrats propose several policy and budget proposals:

**Reforming Sentencing of the Mentally Ill**

- **Collaborative Courts**
  Establish a competitive grant program to expand the number of Mental Health and Behavioral Health Courts in California to specifically address the needs of mentally ill and drug addicted offenders. $20 million from the Recidivism Reduction Fund

- **Re-establish the Mentally Ill Offender Crime Reduction Grant (MIOCR) Program**
  Support implementation and evaluation of locally developed projects designed to reduce recidivism among persons with mental illness. $50 million from the Recidivism Reduction Fund

**Providing Meaningful Mental Health Treatment**

- **Training of Frontline Law Enforcement**
  Redirect $12 million general fund for local police departments and use those funds to support innovative police training to enhance officer competency and safety in dealing with members of the public who are mentally ill, substance abusers or homeless. $12 million from the General Fund

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*Senate President Pro Tem Darrell Steinberg*

“The number of the mentally ill who are incarcerated has skyrocketed, to the point that nearly half of all California inmates have been treated for mental illness within the past year. They tend to receive much harsher sentences, tend to be denied release more often, and are more likely to commit new offenses when they return to our communities without any chance for meaningful treatment. **By changing our policies to be ‘smart on crime’ instead of blindly being ‘tough on crime,’ we can break the misguided cycle of incarceration that carries such an enormous financial and human cost.”*
Training of Prison Personnel
Insure correctional officers, mental health staff, and health care staff in prisons have the necessary training to work with a growing mental health population in our prisons. $24 million from the General Fund for 16 additional hours of training to CDCR, mental health, and health care staff in prisons.

Expand Substance Abuse Treatment
Adopt Administration proposal expanding substance abuse treatment to 10 institutions that currently do not have a reentry hubs. $11.8 million from the General Fund.

Mental Health Parity
Increase staff in the Department of Managed Health Care and Department of Insurance to work on mental health parity enforcement and meet federal enforcement regulations. No impact on General Fund, new staff paid by fees on insurance plans.

Reentry for Offenders with a Mental Health Diagnoses (Administration Proposal)
Expand reentry programs to include mentally ill offenders, including continuity of treatment for those released to parole, Post-Release Community Supervision (PRCS), and for those offenders who violate conditions of supervision where the court deems they will benefit from a facility providing remedial sanctions. $25 million from the Recidivism Reduction Fund.

Integrated Services for Mentally Ill Parolees (ISMIP)
Support Administration proposal to fund the ISMIP Program that provides an array of mental health treatment and crisis care services to facilitate independent living in the least restrictive environment possible. Support May Revise funding of $11.8 million from the Recidivism Reduction Fund.

Humane Releases

Parole Outpatient Clinics (POC) Case Managers
Maintain 21 social worker positions from Parole Outpatient Clinics, converting them to positions for case managers for parolees with mental illness Case managers would ensure parolees are connected and enrolled in necessary mental health and substance abuse treatment, and work with parole and supervising agents in treatment plan development. $20 million from the Recidivism Reduction Fund.

Prop. 36 Offenders to Receive State Services
Provide services including transitional housing, mental health, and substance abuse treatment to offenders released under Proposition 36 who are not subject to parole or Post Release Community Supervision (PRCS), subject to availability. No additional cost to the state.

At a Capitol press conference announcing the proposals, Steinberg was joined by Senators Jim Beall (D-San Jose), Loni Hancock (D-Berkeley), Hannah-Beth Jackson (D-Santa Barbara), and the report’s co-author, Stanford Law Professor David Mills.

Video of the press conference will be posted here: [http://sd06.senate.ca.gov/](http://sd06.senate.ca.gov/)

The Three Strikes Project report can be found [HERE](http://sd06.senate.ca.gov/).

Read more at [Senator Steinberg’s website](http://sd06.senate.ca.gov/).

Read the [Sacramento Bee Capitol Alert](http://sd06.senate.ca.gov/).
Sylvia Burwell is Confirmed Easily with Bipartisan Vote

Although the White House is pleased with the number of enrollments during the sign-up period – more than expected, especially after a rocky start – the challenges of implementing the Affordable Care Act will likely consume Burwell’s energies now that she has been sworn in. One of the challenges is merging at least three states that tried to launch marketplace systems but failed into the federal system.

The federal system itself continues to pose problems. Some sections of the marketplace still are not built or are not functioning properly. Moving into election season, the possibility of more criticism aimed at the mechanisms of the law, as well as the law itself, are likely to surface, although this bipartisan vote was fairly free of rancor. Although many Republicans restated their objections to the Affordable Care Act, all were quick to emphasize their criticism was not meant to extend to Burwell. Her ability to weather a crisis was tested after becoming budget director, as she was able to navigate the 16-day partial shutdown of the government.

The Department of Health and Human Services also will need to decide how to handle a requirement under the law that many employers offer health benefits to their workers — a provision the Obama administration has delayed twice.

UPCOMING EVENTS

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<td>11th Annual Statewide Conference: Integrating Substance Use, Mental Health, and Primary Care Services</td>
<td>October 22—23, 2014  Universal City, CA</td>
<td>Save the Date!</td>
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If you have a recommendation for an article, an upcoming event, or comments and suggestions of any kind, we would like to hear from you! Please email us at: [aag@cimh.org](mailto:aag@cimh.org).