



**National
Mental
Health
Association**

1021 Prince Street, Alexandria, VA 22314-2971 • Phone (703) 684-7722 • Fax (703) 684-5968 • TTY (800) 433-5959 • www.nmha.org

Robert Klepfer, Jr., Chair of the Board • Michael M. Faenza, President and CEO

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The Honorable Edward M. Kennedy
Senate Labor and Human Resources Committee
527 Hart Senate Office Building – Health Office
Washington, D.C. 20510

Dear Senator Kennedy:

On behalf of the National Mental Health Association (NMHA), I am writing to express our strong support of the Kennedy/Dingell "Patient Bill Of Rights Act of 1998." Given the fact that over 170 million Americans receive their mental health care through some type of managed care arrangement, your measure guarantees critical consumer protections for children and adults with mental disorders.

In particular, the Patient Bill of Rights Act permits individuals with "ongoing special conditions" to designate a specialist as a primary care provider. Since people with severe mental illnesses heavily rely on mental health specialists to coordinate their care, this provision should avoid difficulties with common managed care utilization review practices. In that same vein, your strong support for a Health Insurance Ombudsmen Program is of great help because serious limitations in speech and cognition are a natural and expected consequence of mental illnesses. Without ombudsmen, children and adults with mental disorders would be at a severe disadvantage in initiating an MCO's internal and external grievance and appeals processes.

Similarly, the Patient Bill of Rights addresses problems we are already confronting. For example, NMHA is aware of documented cases in which MCO's have refused to provide emergency psychiatric services for people who attempted to commit suicide; your legislation solves that problem by assuring guaranteed access to emergency care without prior authorization. Finally, the Kennedy/Dingell Bill bans the most objectionable formulary practices. As illustration, cost-conscious pharmacy benefit managers in at least three states require people with severe mental illnesses to "fail-first" (i.e., decompensate into a full psychiatric crisis) on inferior drugs before permitting access to more effective atypical anti-psychotic medications.

Senator Kennedy, we congratulate you for introducing the Patient Bill of Rights Act, and NMHA will work hard to ensure its passage.

Sincerely,


Michael M. Faenza

