

Thomas M. Susman
Director
Governmental Affairs Office

AMERICAN BAR ASSOCIATION
1050 Connecticut Avenue, NW - Suite 400
Washington, DC 20036
(202) 662-1760
FAX: (202) 662-1762

March 31, 2014

The Honorable Joe Pitts
Chairman
Committee on Energy and Commerce
Subcommittee on Health
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, DC 20515

The Honorable Frank Pallone, Jr.
Ranking Member
Committee on Energy and Commerce
Subcommittee on Health
U.S. House of Representatives
2415 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Pitts and Ranking Member Pallone:

On behalf of the American Bar Association (ABA), representing nearly 400,000 members, I write to express our opposition to portions of H.R. 3717, the *Helping Families in Mental Health Crisis Act of 2013*. The ABA specifically opposes certain provisions that cut authorized funding for the Protection and Advocacy for Individuals with Mental Illness Act (PAIMI) programs, as well as provisions that bar PAIMI programs from using funds to engage in systemic advocacy or to investigate and seek legal remedies outside of individual cases of abuse or neglect.

Through the PAIMI program, Protection and Advocacy agencies (P&As) in every state and territory are mandated to protect and advocate for the rights of individuals with mental illness and to investigate incidents of abuse and neglect of these individuals in all public and private facilities and in community settings. P&As also have the authority to provide legal representation and other advocacy services to people with severe mental disabilities in order to protect rights guaranteed by the U.S. Constitution and all federal and state laws.

H.R. 3717 would cut funding for the PAIMI program by 85 percent, reducing its budget from \$36 million to \$5 million. Such a drastic cut would leave the 57 state and territorial programs without vital funds that are used to protect and serve some of our most vulnerable citizens. Last year, under the federally funded PAIMI program, the P&As provided essential information and referral services for 35,500 individuals with mental illness and provided training for over 80,000 individuals, family members, mental health planners and social service professionals. A radical cut in funding, such as the one proposed in H.R. 3717, would eviscerate the P&As' ability to provide these crucial services to such a large number of individuals who clearly need those services.

March 31, 2014

Page 2 of 2

The PAIMI program also provided critical legal services to over 15,000 individuals regarding issues such as inappropriate or excessive medication, lack of appropriate mental health treatment, financial exploitation, need for transportation to or from residential care facilities, admission to residential care facilities, discharge planning, housing and employment discrimination, and denial of visitors. These examples of systemic advocacy and litigation, in which PAIMI programs engage on behalf of groups of individuals with serious mental illness, would be prohibited under H.R. 3717. The ABA opposes legislation that denies access to judicial remedies for persons in certain segments of the population – especially for those who are most at risk.

The consequences of these proposed restrictions will be real. Last year, mental health advocates working through a PAIMI program in Arizona negotiated a settlement that opened the door to community services as an alternative to a state hospital. Similarly, Disability Rights of Washington, a PAIMI agency, joined others in filing a class action lawsuit to compel intensive, individualized mental health services to Medicaid-eligible young people in their communities. In that case, the court approved an agreement that allowed for additional treatment of children at home, rather than in psychiatric facilities. These examples of life-changing interventions achieved last year through PAIMI programs would be curtailed under H.R. 3717.

As a result of PAIMI programs, tens of thousands of children have received the services that they need to gain full and equal access to education, health care, independent living, and employment. The ABA adopted policy in 2010 urging Congress “to provide adequate funding for the Protection and Advocacy system and related programs, and to preserve its authority to protect, represent, and fully investigate on behalf of persons with disabilities in institutions, facilities and the community.” The provisions in H.R. 3717 that would cut and restrict the use of PAIMI funds clearly contradict those recommendations. We urge you to oppose the portions of H.R. 3717 that would diminish the PAIMI program’s ability to provide these essential benefits.

Sincerely,

A handwritten signature in black ink that reads "Thomas M. Susman". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Thomas M. Susman