



CONNECTICUT
LEGAL
RIGHTS
PROJECT, INC.

STATEMENT OF CONNECTICUT LEGAL RIGHTS PROJECT IN RESPONSE TO RECENT POLICY PROPOSALS TO ADDRESS GUN VIOLENCE, MASS SHOOTINGS AND THE OPIOID EPIDEMIC

Connecticut Legal Rights Project is a statewide non-profit that provides representation to low-income people living with mental health conditions on civil legal matters related to their treatment, recovery and civil rights. One of CLRP's most important goals is to empower people with psychiatric and other labels by increasing their own ability to influence the decision-making processes that, to a large extent, control their lives.

The recent response of some policy makers to blame gun violence, particularly mass shootings, on “mentally ill monsters” and to propose reforms to mental health laws "to better identify mentally disturbed individuals who may commit acts of violence," and to "make sure those people not only get treatment but when necessary, involuntary confinement" is not only misguided, because it will not effectively address the root causes of gun violence, but also represents a dangerous intrusion on the civil rights and civil liberties of people living with mental health conditions.

Unfortunately, on the same day the President was making this announcement, thirty-nine of this country's Attorneys General wrote a letter to Congress in which they expressed support for a proposal to repeal the IMD exclusion, which prohibits the use of federal Medicaid financing for care provided to most patients in mental health and substance use disorder residential treatment facilities larger than 16 beds. Connecticut Attorney General William Tong stated that the IMD exclusion represents a “misguided and outdated bureaucratic barrier” hindering the ability to effectively treat opioid use disorder and that he joined his attorney general colleagues to urge Congress to enact what he describes as “commonsense, simple reforms to free healthcare providers to take the steps they know are best to treat this disease.”

Sadly, what these Attorneys General have collectively done is provide the means for the President to accomplish his agenda. The reason that large institutions for the treatment of mental health and substance use disorder no longer exist is because the IMD exclusion prevented the use of Medicaid funds to run them. The Centers for Medicaid & Medicare Services (CMS) enacted a partial repeal of the IMD rule in 2016 to allow for federal reimbursement for very short inpatient stays. An IMD demonstration project showed that none of their hypotheses were borne out and federal reimbursement for short term stays did not help increase access to care or save money. The National Association of State Mental Health Program Directors (NASMHPD) claimed to need more information and urged CMS to continue granting these Medicaid demonstration waivers waiving the IMD rule. Letters have been issued to state Medicaid directors encouraging them to apply for these waivers - first for SUD facilities and then for MH facilities, and there are virtually no limitations on the waivers.

Connecticut Legal Rights Project supports the right of people living with mental health conditions to get access to the services and supports of their choice so that they can live their best lives in the community. We are grateful that the Connecticut Department of Mental Health and Addiction Services has not applied for any of these demonstration waivers. CLRP rejects proposals rooted in biased misperceptions of mental illness that encourage reliance on segregating people with mental health conditions in institutions.