

**House Energy and Commerce Committee Health Subcommittee hearing  
“21<sup>st</sup> Century Cures Implementation: Examining Mental Health Initiatives”  
July 19, 2018**

On July 19<sup>th</sup>, the House Energy and Commerce Committee Health Subcommittee held a hearing on implementation of the mental health and substance use provisions in the 21<sup>st</sup> Century Cures Act.

The only witness was Dr. Elinore McCance Katz, Assistant Secretary for Mental Health and Substance Use at the Department of Health and Human Services (HHS). Her testimony is available [here](#).

Full Committee Chairman Walden’s (R-OR) opening statement is available [here](#), Health Subcommittee Chairman Burgess’ (R-TX) opening statement is available [here](#) and Full Committee Ranking Member Pallone’s (D-NJ) opening statement is available [here](#).

The hearing is part of the Committee’s oversight of implementation of the 21st Century Cures Act. Next week, the Health Subcommittee will hold a hearing entitled, “21st Century Cures Implementation: Updates from the FDA and NIH.” The key issues covered during the hearing are summarized below.

**Separation of children from their families at the border as a traumatic event.** Democrats on the Committee largely used the hearing as a platform to talk about the separation of immigrant children from their families at the border. For example, Subcommittee Ranking Member Green (D-TX) noted that the 21<sup>st</sup> Century Cures law re-authorized the National Child Traumatic Stress Network (NCTSN) and asked Dr. McCance Katz about how the program operates and what impact it has. She responded that the NCTSN is a program established in a large number of states and provides national technical assistance around traumatic stress and children. She added that they not only train practitioners, but also do consultations in communities that have experienced a traumatic event and said the program is highly regarded and valuable. Green followed up by asking if the long term effects of trauma can be mitigated with treatment and Dr. McCance Katz said yes that therapy can mitigate the effects. Green then asked if the Network is being utilized for children who have been separated from their families and she said that the Substance Abuse and Mental Health Services Administration (SAMHSA) is not involved with these issues, but that any provider can ask for resources.

Many of the Democratic Members asked if children being separated from their families is considered a traumatic or adverse childhood experience. In response to a question from Rep. Castor (D-FL) Dr. McCance Katz said, “it is our job is to reunite these families and that is what we are doing.” She said separation would be considered an adverse experience but reminded Castor that that these children are getting medical and mental health care in these facilities.

**Treatment of co-occurring mental health and substance use conditions.** Rep. Guthrie (R-KY) asked about how the Administration is using the state Opioid Targeted Response (OTR) grants for treating patients with untreated mental health conditions. Dr. McCance Katz said that she is very engaged in this issue, that SAMHSA provided funding for technical assistance and training in states and, in February, put in place grantees who are required to establish teams in every state comprised of addiction, mental health and medical/surgical experts to provide assistance in communities. She added that you cannot effectively treat one (meaning a mental health or substance use disorder) without treating the other.

**Mental health and substance use disorder parity.** Rep. Guthrie asked if the Administration plans to give providers additional pathways for addressing parity violations or concerns. Dr. McCance Katz said she is pleased a portal has been established that directs consumers to the appropriate federal agency that can provide assistance. She also said they provided guidance to states and noted the 30 state parity policy academy that was held last summer.

Rep. Griffith (R-VA) asked about enforcement of parity protections and noted that he had been in a meeting with Department of Labor (DOL) Secretary Acosta where he said they have difficulties with enforcement. He asked what tools are necessary, but noted that time would not permit a full response and asked Dr. McCance Katz to follow up in writing. She said the question is an important one and wants to seek legal counsel about it and would provide a written answer.

Rep. Bilirakis (R-FL) asked for a high-level summary of the comments received at the public listening session on mental health parity that was held in accordance with Section 13002 of the Cures law, how these comments are addressed through SAMHSA's action plan and if SAMHSA plans to hold another meeting. Dr. McCance Katz responded that the comments largely requested education on the parity law and the responsibilities of states and insurers around these issues. She said HHS is working on providing guidance on state and insurer responsibilities, which should be available before the end of the year.

**Patient privacy.** Rep. Griffith said he had recently spoken with a school principal in his District who was concerned that privacy laws prevent the school from knowing if a student might have a tendency to become violent. Dr. McCance Katz said this issue is part of the federal School Safety Commission and one of the areas the President has asked them to look at. She also said that existing privacy laws permit the sharing of information, but education is needed as providers, teachers and school administrators do not understand when they can communicate.

Later in the hearing Rep. Matsui (D-CA) raised title 11 of the 21<sup>st</sup> Century Cures law, which was intended to clarify confusion surrounding patient privacy, and asked about SAMHSA's progress in coordinating with the Office of Civil Rights. Matsui noted that HHS issued additional guidance in this area in December and asked what progress has been made in implementing model training programs. Dr. McCance Katz replied that SAMHSA is working with the Office of Civil Rights on these issues and said that over 1,000 health care attorneys were trained through a webinar on HIPAA and 42 CFR Part 2. She brought a copy of the training which she said she would share. She also said they are using this to develop simpler language for training of practitioners. She added that yesterday they published a funding announcement for a National Center on Privacy; she said the Center will be run by a single grantee who will be responsible for training administrators and clinicians and materials will be provided to patients and families.

**Workforce.** Rep. Bucshon (R-IN) asked Dr. McCance Katz to address workforce challenges in the mental health field. She responded that SAMHSA has an initiative under development, which should be in place by September 30, that would set up specialized training programs targeted toward mental health and substance use disorders that focus on local needs. She said SAMHSA also has a partnership with the Department of Agriculture to address the needs of rural areas; as part of that partnership technical assistance is provided and telehealth is utilized. She added that they are working on providing additional guidance to states on telehealth to better serve rural areas.

Rep. Bilirakis asked how SAMSHA is working with industry to address workforce issues. Dr. McCance Katz said there is an urgent need to provide services and the fastest way to get services to Americans is

by training and providing technical assistance to the existing workforce. She said SAMHSA is working to set up programs through their grant funded organizations to provide practical assistance, for example, through the OTR funds, states can contract with providers to provide specialized opioid treatment, including Medication Assisted Treatment.

**Criminal justice.** Rep. Brooks (R-IN) said jails are often the largest provider of mental health services and asked how the Cures law helps local jails deal with this problem. Dr. McCance Katz said SAMHSA has funded mental health courts for adults and youth and are also starting programs that divert people prior to arrest.

**Grant opportunities.** Rep. Brooks asked what the best way is for constituents to learn about all these new Cures grant opportunities. Dr. McCance Katz said SAMHSA has this information on its website and they are working on simplifying the information through webinars on specific programs. They will also be using regionalized training to provide information on opportunities. For example, if there is an addiction technology transfer center, that center can also make it easier for the communities and individuals to find out what those resources are; SAMHSA will have one for substance use prevention and one for mental health issues. They will be supplementing the mental health technology transfer centers to specifically work on issues on school and children's needs.

**Access to treatment in rural areas.** Rep. Carter (R-GA) asked about how to get services to rural areas of the country. Dr. McCance Katz said SAMHSA supports two grant programs – federally qualified health centers and certified community health clinics – where a person can access services all in one setting. She said telehealth is also important and they are working on guidance for states and also working with the Drug Enforcement Administration (DEA) on prescribing of controlled substances rules so providers can be utilized to the greatest extent possible.