



MHLAC eNews Spring 2014

Introducing MHLAC's first electronic newsletter. You are receiving this eNewsletter because of your interest and, for some, participation in the work we do. We're looking forward to bringing you news and updates.

Outreach & Intake

MHLAC went on the road during the summer of 2013. We visited 12 Clubhouses, 4 Recovery Learning Communities, 3 Independent Living Centers and 7 Legal Services/Advocacy Organizations. We learned a lot about these communities and the current problems people are facing. We hope to continue to reach out to these organizations as well as to others so we can assist with community-based mental health issues as well as other systemic legal issues.

If you or someone you know could use our legal help, contact MHLAC at 617.338.2345 or 1.800.342.9092 and press "4". Or send an email to Intake@mhlac.org.

If you are a professional or advocate, details on how to reach the Intake Department directly can be found at <http://www.mhlac.org/Intake.htm>.

Events

Spring 2014: CHALLENGING ASSUMPTIONS ABOUT VIOLENCE AND MENTAL ILLNESS

Insights and Strategies for Effective Advocacy

Was held at MCLE's Conference Center in Boston

This MHLAC seminar was approved for 4 MHLA credits and 2 CAFL credits.

Thanks to everyone who participated and made this event a success!

Summer 2014:

BEYOND THE MEDICAL MODEL:

Alternative Approaches to Mental Health and Illness

Friday June 20, 2014

UMass Medical School - Albert Sherman Center, Worcester
Agenda and registration to be posted on our website soon.

Advocacy Efforts:

▪ COMMUNITY LIVING ▪

A woman with a history of severe mental illness is trying to live independently in recovery. She has been receiving a subsidy because she is disabled and cannot work. Because she has been repeatedly hospitalized due to her illness, her care team wants to move her to a group home. Having negative past experiences in such settings, she is reluctant to move. Prioritizing the most integrative possible living situation for clients and trying to honor their choices in all regards, MHLAC worked with providers to help this woman avoid a group home so she can return to living independently.

▪ EDUCATION ▪

A teenage boy with an IEP is sentenced to a county house of corrections. He has not graduated high school, and would like to continue his education in the jail. He needs special education classes in subjects beyond those ordinarily provided. Moreover, he has been in and out of segregation, and not allowed to participate in normal programming. MHLAC represented him in obtaining special education evaluation and services from his school district.

▪ FAMILY LAW ▪

A woman became a mother at the age of 17. During her early years as a parent she had self-injurious behaviors and a few hospitalizations. When she informed her family that she was going to move out of state with her child, her parents filed for guardianship, alleging significant mental health concerns. The court ordered guardianship. MHLAC intervened and the mother got back custody of her child.

▪ LONG/SHORT TERM DISABILITY INSURANCE DISCRIMINATION ▪

Numerous MHLAC clients work for companies whose long and short-term disability insurance policies discriminate against persons disabled by psychiatric conditions. These policies either deny benefits to these persons altogether or pay wage replacement for a shorter period of time than to persons with physical conditions. Workers disabled by mental health concerns find that they can't pay for basic necessities, like food, utilities and shelter. One such person lost her home and her family was forced to move, uprooting her children to another school system. Another, due to financial stressors, was denied the ability to focus on her recovery and fell into deep depression and anxiety. MHLAC has brought actions that are still pending and could result in legal precedent that would help all persons who suffer against the bigotry manifest in these policies, written by insurance companies capitalizing on the commonly held myth that mental health problems are not as "real" as physical concerns.

Legislative Highlights:

We have been active on Beacon Hill this year, submitting testimony and meeting with legislators in support of the bills listed below, often in collaboration with colleagues in other organizations. If you support any or all of these bills, please voice your support by calling the chairs of the committee considering the bill, as well as your state representative and senator. Ask that the bill be reported out of committee favorably. You can find your current elected officials at www.wheredoivotema.com. You can find their contact information at www.mass.gov/legis.

Bills before the legislature that MHLAC supports:

- ***Ensuring Continuity of Care***
H. 835, An Act relative to the continuity of care of mental health treatment, will ensure that persons whose providers leave a particular insurer’s network can continue in treatment with the same provider. They won’t be forced to try to rebuild a therapeutic relationship with someone else. In the Joint Committee on Financial Services.
- ***Eliminating Discriminatory Practices in Disability Policies***
H. 836, An Act requiring mental health parity for disability policies, is an anti-discrimination bill. It states that “[n]o individual policy of short-term or long-term disability insurance providing income replacement benefits that is issued or renewed in the Commonwealth shall impose benefit limitations or exclusions upon claimants affected by behavioral health disorders, where such limitations or exclusions are not imposed equally upon claimants affected by physical disorders.” In the Joint Committee on Financial Services.
- ***Requiring a Higher Standard for Determination Denials***
H. 936 and S. 453, An Act to further define adverse determinations by insurers, will require insurers that deny coverage of recommended care to show that the care is not medically necessary. In the Joint Committee on Financial Services.
- ***Prohibiting Discrimination Against Disabled Parents***
H. 1379, An Act prohibiting discrimination against adults with disabilities in family and juvenile court proceedings, will require courts to document the specific facts that make a parent’s disability potentially harmful to the child when it relies on disability as a factor in denying custody or visitation. In the Joint Committee on the Judiciary.
- ***Limiting Student Arrest for Non-violent Conduct***
H. 1644 and S. 631, An Act Decriminalizing Non-Violent and Verbal Student Misconduct, will place limits on the use of the charge “disturbing a lawful assembly” to arrest non-violent students, whose “crime” is often just speaking out or simply causing a fuss. In the Joint Committee on the Judiciary.
- ***Fresh Air Bill***
H. 3804, An Act regarding rights of persons receiving services from program or facilities of the Department of Mental Health, will give patients in mental hospitals a right to spend some time outdoors. On Nov. 20th the Fresh Air Bill was reported out favorably by the Mental Health and Substance Abuse Committee and is now before the Joint Committee on Health Care Financing.

Bills before the legislature that MHLAC opposes:

- **H.1792, An Act establishing assisted outpatient treatment, and S. 906, An Act relative to assisted outpatient treatment** would allow judges to mandate outpatient psychiatric treatment to persons with alleged mental health issues, notwithstanding that the huge expenditure necessary to establish the infrastructure these bills would require is better spent on increased spending for community-based care.
- **H. 426, An Act relative to safe schools**, would give teachers almost unchecked authority to remove alleged “unruly” students from their classrooms permanently, and remove discretion from administrators chiefly responsible for school management under current law.

Resources & Publications:

Did you know we have an extensive list of publications that are available on our website’s Library page, <http://www.mhlac.org/Library.htm>? New publications recently added are:

- [DYS checklists in Spanish](#)
- [How to Complain about a Licensed Mental Health Professional](#)

Education rights, health care reform and insurance, and DMH client rights are some of the other topics covered. We also list contact information for state governmental agencies, legal representation organizations and state and national advocacy organizations on our [Useful Links](#) page. We always welcome suggestions on topics or organizations to add.

Advancing the rights and opportunities of persons with mental disabilities through quality legal advocacy and education in Massachusetts

Contact Information for MENTAL HEALTH LEGAL ADVISORS COMMITTEE

24 School Street, 8th Floor
Boston, MA 02108
(phone) 617-338-2345
(toll free -- MA only) 1-800-342-9092
(fax) 617-338-2347

MHLAC@mhlac.org (general and administrative questions) Intake@mhlac.org (intake email)

Business hours are 9:00 AM - 5:00 PM, Monday - Friday

The MHLAC [Intake](#) line is 617-338-2345, press 4 or toll free 1-800-342-9092, press 4