



COMMITTEE ON DEMOCRATS
ENERGY & COMMERCE
RANKING MEMBER FRANK PALLONE, JR.

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**Statement of Ranking Member Frank Pallone, Jr., as prepared for delivery
House Energy and Commerce Committee
Subcommittee on Health**

**Markup of H.R. 2017, H.R. 2446, H.R. 2646, H.R. 3014, H.R. 3537, H.R. 3716, and H.R.
3821**

Good afternoon and thank you all for being here today. This afternoon we are meeting to mark-up seven different pieces of legislation. The bills span a variety of issues, including mental illness, substance abuse, public health and the Medicaid program.

Of course, perhaps the most significant bill we will be discussing today is H.R. 2646, the Helping Families in Mental Health Crisis Act. Sadly, one out of every five Americans suffers from mental illness, yet as our health system has evolved, some of these patients have been left behind. Access to services, supports and treatments have all lagged and we need to find ways to strengthen our mental health care system for all patients.

While I applaud Mr. Murphy for highlighting this important issue, I cannot support his bill in its current form. As many Democrats have expressed, many of the provisions, we feel, will do more harm than good. For example, the proposed changes to HIPAA would weaken the privacy rights of individuals with diagnosed mental illness in a manner that would be unheard of if it were ever suggested for patients with physical illness. Furthermore, I fear it may undermine the doctor-patient relationship and discourage those in need from seeking care.

The bill also mandates that states pass involuntary outpatient commitment laws as a condition of receiving Community Mental Health Block Grant funding. These laws are already on the books in 45 states, the majority of which opt to not to spend state resources or existing federal block grant funding to implement them. Meanwhile, supporters of these so called AOT laws, maintain that they only work in locations where comprehensive community mental health systems are in place. Yet this bill does not provide these resources.

Finally, I'd like to be clear on an important issue that has surrounded the discussion of this bill. Some have maintained that this bill is a step towards ending the violent acts that have plagued our communities. This couldn't be further from the truth. Research has repeatedly shown that not only are the mentally ill more likely to be victims of violence than perpetrators, but that the number one risk factor for violence is abuse of alcohol or other substances. Because this bill shifts SAHMSA funding away from substance abuse treatment, I worry that it may actually exacerbate the problem of community violence.

These are just some of the concerns with H.R. 2646. I understand an amendment in the nature of a substitute was circulated earlier today, and I intend to examine it closely. I stand ready to work on reasonable solutions to address our mental health system and I hope we can find a way to pass a bipartisan bill that all Members can support, and ultimately be signed into law.

In addition, today we will be marking up H.R. 3014, the Medical Controlled Substances Transportation Act of 2015. This bill would allow registered physicians more flexibility to transport controlled substances away from their registered practice locations, such as when doctors respond to disasters across state lines or work as a team doctor traveling to a game out of state. I understand the intent of the bill and hope that as we move forward we ensure proper safeguards exist.

H.R. 3537, the Synthetic Drug Control Act of 2015 aims to allow the DEA to take a proactive approach to an emerging synthetic drug market that has led to widespread overdoses and deaths amongst our young adults. Specifically, it would place a number of synthetic substances under Schedule I of the Controlled Substances Act. I only caution that we are careful in our approach and avoid any unintended ban on chemicals that may have legitimate research or medicinal use.

H.R. 2017, the Common Sense Nutrition Disclosure Act of 2015, would amend the Food, Drug and Cosmetic Act to revise how calorie and other nutritional information is displayed in restaurants and other retail food establishments. I know that some have expressed concerns over recent FDA regulations. However, I still believe that any legislation is premature. FDA has worked to address a number of the concerns raised in its recent draft guidance and further has allowed additional time for covered establishments to come into compliance. I have long been supportive of consumer transparency. Consumers deserve access to accurate and consistent calorie and nutrition information that will help them to make informed food choices.

H.R. 3821, the Medicaid DOC Act, is a bipartisan initiative to improve access to care in the Medicaid program. Specifically, it would require states that participate in fee-for-service Medicaid to publish up to date provider directories. This information is critically important to

patients, though the committee should ensure the bill is streamlined with proposed provider directory regulations in Medicaid managed care. It is my hope that as we move forward, we can work together to do just that.

H.R. 3716, Ensuring Terminated Providers are Removed from Medicaid and CHIP Act is a bipartisan bill to ensure that disqualified providers in one state, cannot simply cross into other states. This bill provides CMS with the necessary tools to keep patients safe and simultaneously protect the integrity of the Medicaid program.

H.R. 2446, Electronic Visit Verification System Required for Personal Care Services under Medicaid, aims to address fraudulent billing for personal care services delivered in the home and community based-setting. While I believe this is an important area to address, I have deep concerns about this bill specifically that it does not provide upfront assistance for states to implement the program, but yet imposes financial penalties if a state is unable to implement the verification system.

I look forward to working together in a bipartisan manner on these important issues today. Thank you and with that I yield my time.

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