

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 6712

To require the disclosure to parents of information regarding mental illness treatment for their children under the age of 26.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 27, 2012

Ms. RICHARDSON introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To require the disclosure to parents of information regarding mental illness treatment for their children under the age of 26.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Elgin Stafford Mental  
5 Illness Information Disclosure Act of 2012” or “Elgin’s  
6 Law”.

7 **SEC. 2. FINDINGS.**

8 The Congress finds the following:

9 (1) Mental illness is the leading cause of dis-  
10 ability, as reflected in lost years of productive life,

1 in North America, in Europe, and, increasingly, in  
2 the world. By 2020, major depressive illness will be  
3 the leading cause of disability in the world for  
4 women and children.

5 (2) Mental illnesses strike individuals in the  
6 prime of their lives, often during adolescence and  
7 young adulthood. All ages are susceptible, but the  
8 young and the old are especially vulnerable.

9 (3) Without treatment, the consequences of  
10 mental illness for the individual and society are stag-  
11 gering, including unnecessary disability, unemploy-  
12 ment, substance abuse, homelessness, inappropriate  
13 incarceration, suicide, wasted lives, and an economic  
14 cost of more than \$100 billion each year in the  
15 United States.

16 (4) The best treatments for serious mental ill-  
17 nesses today are highly effective so that between 70  
18 and 90 percent of individuals with serious mental ill-  
19 ness have significant reduction of symptoms and im-  
20 proved quality of life with a combination of pharma-  
21 cological and psychosocial treatments and supports.

22 (5) Since early identification and treatment is  
23 of vital importance in treating mental illness, espe-  
24 cially for children and young adults, the active,  
25 knowledgeable, and sympathetic involvement of par-

1       ents and legal guardians is to be encouraged to the  
2       maximum extent practicable, consistent with gen-  
3       erally accepted and established clinical practice.

4 **SEC. 3. DISCLOSURE TO PARENTS AND LEGAL GUARDIANS**  
5                   **OF MENTAL ILLNESS TREATMENT OF CHIL-**  
6                   **DREN UNDER THE AGE OF 26.**

7       (a) IN GENERAL.—In the case of a covered individual  
8       (as defined in subsection (e)(1)) who is being treated for  
9       mental illness by a health care professional, subject to sub-  
10      section (b), the health care professional shall disclose to  
11      a parent (if any) of the individual such information re-  
12      garding the mental illness and treatment for mental illness  
13      as may be useful for the appropriate involvement of the  
14      parent with respect to the treatment.

15      (b) EXCEPTIONS.—Subsection (a) shall not apply in  
16      such exceptional circumstances as the Secretary may pro-  
17      vide by regulation where the involvement of the parent  
18      would be counter-productive to the treatment involved.

19      (c) APPLICATION OF HIPAA PRIVACY REGULA-  
20      TIONS.—For purposes of applying the HIPAA privacy reg-  
21      ulations, the disclosure of information under this section  
22      shall be treated as a permissible disclosure not requiring  
23      the consent of the covered individual involved.

24      (d) PUBLICATION AND NOTICE ON DEPARTMENT  
25      WEBSITES.—The Secretary shall post information on the

1 requirements of this section on such websites of the De-  
2 partment of Health and Human Services as may be appro-  
3 priate to inform the public and health care professionals.

4 (e) DEFINITIONS.—In this section:

5 (1) COVERED INDIVIDUAL.—The term “covered  
6 individual” means an individual who—

7 (A) is—

8 (i) a minor child;

9 (ii) an uninsured adult under the age  
10 of 26; or

11 (iii) an adult under the age of 26 who  
12 is covered as a dependent under the health  
13 benefits coverage of a parent; and

14 (B) is being treated for mental illness by  
15 a health care professional.

16 (2) HEALTH BENEFITS COVERAGE.—The term  
17 “health benefits coverage” has the meaning given  
18 the term “minimum essential coverage” in section  
19 5000A(f)(1) of the Internal Revenue Code of 1986.

20 (3) HIPAA PRIVACY REGULATIONS.—The term  
21 “HIPAA privacy regulations” has the meaning given  
22 the term “HIPAA privacy regulation” in section  
23 1180(b)(3) of the Social Security Act (42 U.S.C.  
24 1320d–9(b)(3)).

1           (4) MENTAL ILLNESS.—The term “mental ill-  
2           ness” means a chronic illness such as schizophrenia,  
3           schizoaffective disorder, bipolar disorder, and major  
4           clinical depression, and such term includes other  
5           conditions contained in the Diagnostic and Statis-  
6           tical Manual of Mental Disorders IV published by  
7           the American Psychiatric Association (or any suc-  
8           cessor publication by such Association).

9           (5) PARENT.—The term “parent” includes a  
10          legal guardian.

11          (6) SECRETARY.—The term “Secretary” means  
12          the Secretary of Health and Human Services.

13          (7) UNINSURED.—An individual shall be treat-  
14          ed as uninsured if the individual is not covered  
15          under any health benefits coverage.

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