

**E-Update Sept 29, 2023**



**Medical leadership for mind, brain and body.**

The weekly E-update is the tool by which MPA members can share information or announcements with each other. It is a member benefit and the mechanism by which MPA shares important notices regarding trends in psychiatry, pharmaceutical updates, information about your medical practice, advocacy, your opinions, and job opportunities. Members are encouraged to make the content their own. Please submit items for weekly publication by Thursday at 5pm. Your email addresses are protected by the DB and not for sale or use by any other entity besides the DB. Content should be pertinent to the practice of psychiatry or related medical information. Review the E-update highlighted titles and attachments for content and action steps. We value your input and attention to your specialty! Any item that appears in [royal blue](#) contains a link for detailed information on the topic. Questions regarding membership status are referred to our APA Membership Coordinator, Doneisha Berryman. Please contact Doneisha at 202-459-9749 or [dberryman@psych.org](mailto:dberryman@psych.org).

#### **Attention: ECT Providers in the State**

If you offer ECT services and are willing to take referrals from colleagues, please alert the MPA Office so we can connect you with the appropriate parties looking to assist their patients. Email the office at [mpa39206@aol.com](mailto:mpa39206@aol.com) please.

#### **Additional Coverage of the 5<sup>th</sup> Circuit Upholds State Position in DOJ Lawsuit**

Mississippi's mental health system has battled the United States Department of Justice in court for over a decade. In 2011, the United States issued a [comprehensive letter of findings](#) about Mississippi's mental health system for children, adults and all people with intellectual disabilities, alleging the state violated the rights of people with mental health disabilities and segregated those people into institutions.

The two sides negotiated until the negotiations failed in 2015. The [United States sued Mississippi in 2016](#) for its adult mental health system. The case went to trial in the Southern District of Mississippi in 2019, and [Judge Carlton Reeves ruled in U.S. v. Mississippi](#) that Mississippi's mental health system discriminates against people with mental illness in violation of the Americans with Disabilities Act.

The two sides could not agree upon a remedy. After many months of discussions between the parties, Judge Reeves [then adopted the remedy](#) that the Monitor, [Dr. Michael Hogan](#), proposed. [He based the remedy](#) mainly on the Department of Mental Health's standards, services and recommendations. Both sides began working to implement the remedy, and Mississippi also appealed the case to the Fifth Circuit.

On September 20, 2023, [a panel of three justices from the Fifth Circuit Court of Appeals reversed the District Court's ruling](#), stating:

*Title II of the Americans with Disability Act (“ADA”) prohibits “discrimination” against “qualified individual[s] with a disability.” 42 U.S.C. § 12132. The Act authorizes “any person alleging discrimination” to sue. 42 U.S.C. § 12133 (emphasis added). The United States filed suit against the state of Mississippi, alleging that its entire mental health care system violated the “integration mandate” prescribed by 28 C.F.R. § 35.130(d) and reified in the Supreme Court’s decision, *Olmstead v. L.C. ex rel. Zimring*, 527 U.S. 581, 119 S. Ct. 2176 (1999). The district court conducted a trial, upheld the federal government’s novel theory of liability, and ordered not only sweeping modifications to the state’s system but also the indefinite appointment of a monitor who, along with the federal government and the court itself, would all oversee the system. This novel plan of reconstruction fails on many levels. We REVERSE.*

The United States can now choose to let the decision stand or appeal the decision to the full panel of judges on the Fifth Circuit. The U.S. could also appeal directly to the U.S. Supreme Court.

On September 22, [Judge Reeves ordered Court Monitor](#) Dr. Michael Hogan and his team to finish their work on this case in the next 14 days. Attorney General Fitch shared this statement about the Fifth Circuit’s ruling:

*We are pleased that the Fifth Circuit Court of Appeals has reversed the lower court’s ruling that gave the federal government the ability to dictate the way Mississippi provides mental healthcare to its citizens. As the court noted in its opinion, the “district court’s sweeping injunction is ‘intrusive and unworkable,’ and requires far more than what might have been required to comply with” federal law.*

*For too long, federal agencies have used the threat of legal action based on “novel theories] of liability,” like those that started this case, to coerce Mississippi and other states into adopting their preferred policies and budget priorities. This opinion is a good reminder to Washington that the people have the right to speak through their state elected leaders to set their own priorities. Stewart Rutledge, Chair of the Board of Mental Health, stated:*

*“Mississippi chose to fight, and we fought for our citizens who desperately need mental health services. Conversely, the US Department of Justice spent the last twenty years bleeding mental health systems nationwide in bare pursuit of a win. Mississippi took a huge risk standing up to this bullying, but with this victory, Mississippi – and the rest of the states – can put their full resources back toward serving our fellow citizens in need.”*

[This is the Mississippi Department of Mental Health’s Statement.](#)

### **Additional Coverage:**

[Statement from Disability Rights Mississippi](#)

[Appeals court rules against federal government in Mississippi mental health case](#), The Center Square, Steve Wilson

[‘Mississippi chose to fight’: Court overturns Justice Department efforts to overhaul state’s mental health system](#) Mississippi Today, Isabelle Taft

[Federal appeals court reverses ruling that found Mississippi discriminated in mental health care](#) Associated Press, Emily Wagster Pettus

[Court: Mississippi Not Guilty of Mental Illness Discrimination](#), Mississippi Free Press, Ashton Pittman

[Appeals Court rules in favor of Mississippi in mental health lawsuit brought by U.S. government](#) Magnolia Tribune, Sarah Ulmer

## **September 2023 APA Advocacy Update**

The last few months have seen significant movement across a broad array of issues. Learn more by reading the full [September 2023 Advocacy Update](#).

### **HHS Naloxone Education Training Event**

On September 9th, APA member and co-chair of the Maryland Psychiatric Society's Legislative Committee, Michael Young, MD, MS, DFAPA, attended the Department of Health and Human Services' (HHS) Naloxone Demonstration event. The event included remarks from administration leadership and highlighted the severe nature of the opioid epidemic, and how making naloxone over-the-counter and widely available will decrease the number of people dying from opioid overdoses. [Click here to read more.](#)

### **SAMHSA's Harm Reduction Framework Encourages Direct Investments**

[APA supports](#) the Substance Abuse and Mental Health Services Agency's (SAMHSA) draft [harm reduction framework](#), encouraging increased direct investment into programs, sites, and services. Despite the substantial evidence base for the effectiveness of harm reduction, the legality of, access to, and training opportunities for harm reduction approaches remain underutilized. [Click here to read more.](#)

### **APA Urges FDA and CMS to Maintain High Standards of Safety and Effectiveness for Digital Health Interventions**

Consistent with [APA's App Evaluation Model](#), APA urges caution and maintaining high standards of evidence in approval and coverage of medical devices and other digital mental health interventions without clinician involvement. [Click here to read more.](#)

### **APA Encourages NIDA to Support Health Care Policies that Safely Facilitate Access to Quality Care**

APA maintains its support for continuity of quality care, whether in-person or enabled by technology, in a [response](#) to the National Institute of Drug Abuse's (NIDA) request for data on the impact of telehealth initiation of controlled substances. APA urges NIDA to be cautious in their framing of harms associated with telemedicine prescribing of controlled substances, since telehealth treatment has been found to be as safe and effective as in-person care even for high-acuity psychiatric concerns and increases access to care in instances of stigma, rural location, mobility challenges, and other health-related social needs. [Click here to read more.](#)

### **APA Supports Universal Suicide Screening in the Emergency Department**

Through its [comments](#) to CMS on considering a measure related to universal suicide risk in the ED or other interventions or measurement approaches targeted at suicide prevention, APA advocated for universal suicide screening, as it doubles the number of identified cases of individuals at genuine risk for death from suicide. [Click here to read more.](#)

### **Physician Fee Schedule and Quality Payment Program**

APA [supported](#) a number of proposed provisions put forward by CMS regarding the Physician Fee Schedule including: support for the continuation of telehealth flexibilities around payment for telehealth and virtual supervision of residents as well as a request to drop the requirement for an in-person visit prior to telehealth; payment for mobile crisis services as well as an additional payment for providing care to chronically ill patients. [Click here to read more.](#)

### **APA Supports Behavioral Health IT Grant Program**

On July 28, APA joined the Behavioral Health Information Technology Coalition in a letter to express our support of [H.R. 5116](#), the Behavioral Health Technology Coordination Act, which would expand access to health information technology among behavioral health providers. [Click here to read more.](#)

## APA Supports Conrad State 30 and Physician Access Reauthorization Act

On August 1, APA joined [letters](#) of support to both the House and the Senate in support of [H.R. 4942](#) and [S. 665](#), the Conrad State 30 and Physician Access Reauthorization Act. The Conrad State 30 waiver program provides waivers to states that exempt international medical graduate (IMGs) physicians with J-1 visas from the requirement to return to their home country in exchange for three years of service in a rural or underserved community. [Click here to read more.](#)

## APA Supports Medicare Billing Code G2211 Implementation

On September 6, APA signed a [letter](#) to House and Senate leadership in support of the Centers for Medicare and Medicaid Services (CMS) fully implementing Medicare billing code G2211, is designed to address the evaluation and management associated with medical care for patients with complex medical conditions in 2024. [Click here to read more.](#)

## APA Urges Support for Workforce Programs

In September, APA joined the Group of 6 in a [letter](#) to House and Senate leadership urging lawmakers to continue supporting key workforce programs. [Click here to read more.](#)

## THREE THINGS TO KNOW ABOUT: PRESCRIPTION DRUG MONITORING PROGRAMS (PMPs)

Written by  
Professional Risk Management Services® (PRMS®)

1. A growing number of states are now requiring that physicians access the PMP prior to prescribing controlled substances. Penalties for failure to do so range from fines to loss of licensure to imprisonment.
2. Although reviewing PMP data may not be required by law, the fact that the ability to do so exists may affect the standard of care. There may come a point where accessing the PMP becomes as routine as checking a patient's blood pressure.
3. Checking the PMP and letting prospective patients know that you will do so helps to discourage drug-seekers from scheduling appointments. Note, however, that state law may preclude you from accessing data on an individual *before* he or she is seen as a patient.

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INSURANCE FOR PSYCHIATRISTS**

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**Twitter Accounts of Interest** Main account: [@APAPsychiatric](https://twitter.com/APAPsychiatric)

- Healthy Minds: [@APAHealthyMinds](https://twitter.com/APAHealthyMinds)
- MPA Main account: [@MSPsychiatrist](https://twitter.com/MSPsychiatrist)

### **Facebook Pages of Interest**

- Main account: [American Psychiatric Association](https://www.facebook.com/AmericanPsychiatricAssociation)
- Healthy Minds: [APA Healthy Minds](https://www.facebook.com/APAHealthyMinds)
- MPA Main Account: [Mississippi Psychiatric Association](https://www.facebook.com/MississippiPsychiatricAssociation)

### **LinkedIn**

- [American Psychiatric Association](https://www.linkedin.com/company/american-psychiatric-association)
- [Mississippi Psychiatric Association](https://www.linkedin.com/company/mississippi-psychiatric-association)

### **What's New at the APA**

Most Americans believe they would know how to get help for a loved one living with addiction, according to the latest Healthy Minds Monthly public opinion poll presented by APA & Morning Consult. 71% of those polled said they know how to help get a friend or loved one help with addiction, while 65% defined recovery as "being able to function better in life." You can [read more about his poll and see the full results here](#).

The APA Foundation donated \$25,000 to relief efforts for the wildfires in Maui. The APAF's gift will be made to the [Maui Strong Fund](#). The APAF has committed to absorbing all administrative expense for those who donate, so that 100% of funds donated go directly to relief efforts. You can read [more here](#).

APAF launched the Mental Health Care Works public information campaign dedicated to raising awareness around the signs and symptoms of mental health disorders and showcase the efficacy of mental health care and encourage people to take action and seek help if they need it. The campaign is currently active in Denver, CO, Raleigh, NC, and Baltimore/Washington, D.C., with a nationwide rollout slated for 2024. You can [read more about the Mental Health Care Works campaign here](#).

### **September Course of the Month – The Shame of Suicide and Attempted Suicide in Physicians: Five Physicians Who Are Speaking Out**

Physicians are known to be a group of individuals who are more at risk of suicide than the general public. Data is sparse about attempted suicide, but we do know that medical students and residents have rates of suicidal ideation that are higher than age-matched peers. The intent of this course is to unravel the stigma around suicide and attempted suicide in physicians,

present new learning from look-back research, share personal narratives, and offer ways to save doctors' lives.

[Click here to access the Course of the Month and sign up for updates about this free member benefit.](#)

### **Call for Applications: Moore Equity in Mental Health Community Grants Program**

Increasing equitable access to mental health care is a cornerstone of the APA Foundation's mission. Each year, [we award grants to community nonprofits that are supporting the mental health of minoritized youth](#) through the Moore Equity in Mental Health Community Grants program. The 2024 grant application is open now through September 30. [Learn more about our work to end disparities in access to health care and apply today!](#)

### **Virtual Immersive: Geriatric Psychiatry Updates**

Don't miss out on the opportunity to enhance your clinical expertise in geriatric psychiatry! Join us on September 27 for the **Virtual Immersive: Geriatric Psychiatry Workshop**. Expand your knowledge and sharpen your skills in caring for older adults with common psychiatric disorders. [Register today](#) and secure your spot in this immersive learning experience.

### **Looking Beyond:**

We invite you to join us on Thursday, September 28 for the next **APA Looking Beyond Mental Health Equity Fireside Chat**. During this engaging discussion our panelist will provide valuable insights into the growing public health concern of vaping and e-cigarette use and how these behaviors are linked to increased risks of substance use, especially among marginalized youth. Our panel of experts will explore the intersectionality of these risks and the role of psychiatry in addressing and preventing these inequities. Don't miss out on this informative discussion - [Register today!](#)

### **@theAPA November Event:**

Mark your calendars for November 17 to join us at APA Headquarters for the **Child and Adolescent Psychiatry Update**. This second event of our new immersive learning series will provide an update on the five critical domains relevant to practicing psychiatrists and primary care physicians. Don't miss this opportunity to stay informed and enhance your professional expertise. [Sign up for Updates.](#)

### **Submit Abstracts for APA's 2024 Annual Meeting**

Abstract submissions are now being accepted for APA's 2024 Annual Meeting, which will take place May 4 to 8 in New York, N.Y. The theme of the meeting is "Confronting Addiction From Prevention to Treatment." Submit your ideas for general sessions, courses, and posters to the biggest psychiatric meeting of the year. [LEARN MORE](#)

## 2023 APA Mental Health Services Conference Scientific Program Now Available

The Mental Health Services Conference will take place from **Thursday, October 12**, through **Saturday, October 14**. You can now review sessions planned for this year's conference. [LEARN MORE](#)

## Be a part of APA's Speakers Bureau

APA is seeking members who are active and engaged in Component activities to be a part of APA's Speaker's Bureau. The Speaker's Bureau is aimed at diversifying and broadening APA's bench of public-facing experts. In addition to traditional media requests, APA has a number of other opportunities available for members who are willing to share their expertise. This includes writing blogs on important mental health topics, providing government testimony, and participation in social media events, like Twitter chats, Instagram live, and more.

Members of the APA Speaker's Bureau, as an internal influencer group, will also be asked to amplify APA's voice by promoting public education initiatives via social media and engaging during APA social media events.

Simply scan this QR code to access the speaker's bureau form and add your voice.



**Note:** Any personal information shared is kept **strictly confidential** and only able to be accessed by APA Communications staff. We ask for this information so that we can get a decent picture of who our experts are and make the best match for a given opportunity. Participation in this project does not guarantee that a member will be contacted for a media interview or other public-facing opportunity.

Please contact James Carty ([jcarty@psych.org](mailto:jcarty@psych.org)) with any questions you may have.