

March 20, 2006

Summer King
SAMHSA Reports Clearance Officer, Room 71-1044
One Choke Cherry Road
Rockville, MD 20857

Dear Ms. King:

The National Association of State Mental Health Program Directors (NASMHPD) represents the \$23 billion public mental health service delivery system serving 6.1 million people annually in all 50 states, 4 territories, and the District of Columbia. NASMHPD is providing comments regarding the proposed evaluation of the PAIMI Program by the Advocates for Human Potential (AHP).

This proposed data collection process was published in the Federal Register on January 26, 2006 (Vol. 71, No. 17, p. 4367). It asks for comments on a) whether the proposed collections of information are necessary for the proper performance of PAIMI; b) the accuracy of the agency's estimate of the burden of collecting this information; c) ways to enhance the quality, utility and clarity of the information collected; and d) how to minimize the burden of collection of the information on the respondents. Comments are due within sixty (60) days of publication.

NASMHPD's Legal Division created a committee to render comments on the national evaluation of the PAIMI program. The Committee discussed their review of the proposed examination and the procedures to be utilized by AHP. The Committee members agreed that in addition to the State Mental Health Program Directors being queried about PAIMI, a State Mental Health Agency's legal counsel (whether in-house or part of another state agency, e.g. an Attorney General's office) should also be queried. Comments from the group indicated that more often than not a department's legal office has more interactions with a PAIMI organization than a program director. Information gleaned from other members of the Legal Division indicate that this may not be the case in all states; however the Committee was of the opinion that comments from agency legal counsel was essential to an evaluation of a PAIMI organization.

The interaction between an agency's legal division and a PAIMI organization clearly varies between the states. Some states have a cordial working relationship with their PAIMI organization, providing each a needed give-and-take on issues. Other states have a more adversarial relationship. Because of these varying degrees of interaction, an additional check box to question #17 is sought to address those matters that are settled through formal discussions between an agency and the PAIMI organization, thereby foregoing any litigation. A second, yet important, request is that the PAIMI organization's report accurately reflects the issue and the result. A concern was voiced about PAIMI's initiation and settlement of lawsuits. It is believed that there needs to be some delineation of PAIMI's role in the litigation, namely, whether the PAIMI organization is itself the Plaintiff, whether they are participating as counsel/advocate for the private Plaintiff, or all of the above. Also of concern was that any reported incident or resolution noted by a PAIMI organization be verified, in addition to responses to the evaluation, by data or information accurately reporting the

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organization's role. Finally, the Committee members asked that an agency's legal counsel as well as NASMHPD Legal Division members is provided a copy of the results of the PAIMI evaluation.

We have listed below our questions and/or concerns.

Legal Division Issues regarding upcoming PAIMI Evaluation

1. Inclusion of a state mental health agency's legal counsel as part of the agency staff being questioned by AHP.
2. A second check box be added to Question 17 to indicate that the issue between the PAIMI organization and the agency was dealt with through formal negotiations and a settlement agreement short of litigation.
3. Data be supplied to reflect the PAIMI organizations role in the initiation and settlement of an issue and/or lawsuit, including, but not limited to, whether the PAIMI organization is a party or representing a party as either legal counsel, advocate or both.
4. Agency legal counsel and Legal Division members be provided a copy of the results of the PAIMI evaluation.

Thank you for the opportunity to submit comments. If you have any questions, please feel free to contact me at (703) 739-9333 x129.

Sincerely,

Robert W. Glover, Ph.D.
Executive Director

Cc: Renata Henry, M.Ed., NASMHPD President
Virginia Trotter Betts, M.S.N., J.D., Board Liaison to the NASMHPD Legal Division
Lorrie Jones, Ph.D. (IL), Commissioner Advisor to the NASMHPD Legal Division
Lynne Valenti, J.D. (SD), Chair of NASMHPD Legal Division