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May 4, 2011

Donald Berwick, M.D., Administrator
Centers for Medicare & Medicaid Services
c/o Office of Strategic Operations and Regulatory Affairs
Division of Regulations Development
Attention: Document Identifier/OMB Control Number
Room C4-26-05
7500 Security Boulevard
Baltimore, MD 21244-1850

RE: Document Identifier: CMS-10382 / Billing Code 4120-01-P:
Emergency Clearance: Public Information Collection Requirements
Submitted to the Office of Management and Budget (OMB) – New
Collection: *Title of Information Collection: Medicaid Emergency
Psychiatric Demonstration*

Submitted by email to OMB at OIRA_submission@omb.eop.gov

Dear Dr. Berwick:

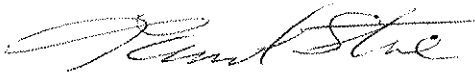
I am writing on behalf of the Bazelon Center for Mental Health Law, a national, non-profit, legal-advocacy organization representing children and adults with mental illnesses. We support the requirements provided for the emergency clearance on the Paperwork Reduction Act for the Medicaid Emergency Psychiatric Demonstration (Section 2707 of the Patient Protection and Affordable Care Act), as provided in April 8, 2001, Federal Register ("Emergency Clearance Request: Public Information Collection Requirements Submitted to the Office of Management and Budget").

While we support the request of the Centers for Medicare & Medicaid Services (CMS) to meet the requirements necessary to implement the Medicaid Emergency Psychiatric Demonstration, and do not consider the requirements to be an undue paperwork burden on States, **we do not think the supporting statement (Part A) materials present a balanced overview of the history of deinstitutionalization, the Medicaid institutions for mental diseases (IMDs) exclusion and related issues. We therefore strongly urge the Office of Management and Budget (OMB) to require CMS to provide additional background information, including a more extensive review of the evolution of Medicaid financing of mental health services for adults (21-64 years old) with mental illnesses in the solicitation to States.**

Additional background areas to consider include the following:

- Community mental health supports
- Medicaid payments for hospitalization of adults with mental illnesses furnished in psychiatric units of general hospitals (not considered IMDs)
- Medicaid managed care waivers and Medicaid disproportionate share hospital payments to IMDs
- Additional opportunities for Medicaid financing of mental health services afforded by the Patient Protection and Affordable Care Act (e.g. Section 1915i)

Sincerely,

A handwritten signature in black ink, appearing to read "Laurel Stine", written in a cursive style.

Laurel Stine
Director, Federal Relations