

Bill as Introduced

HB 509 - AS INTRODUCED

2009 SESSION

09-0767

04/05

HOUSE BILL **509**

AN ACT requiring parental consent for psychological evaluations by school districts.

SPONSORS: Rep. P. Katsakiores, Rock 5; Rep. Baldasaro, Rock 3

COMMITTEE: Education

ANALYSIS

This bill requires school mental health personnel to obtain written consent of a parent or legal guardian prior to conducting any psychological evaluation or examination on a child.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struck through~~].
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nine

AN ACT requiring parental consent for psychological evaluations by school districts.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Section; Health and Sanitation; Psychological Evaluations of Students. Amend RSA 200
2 by inserting after section 34 the following new section:

3 200:34-a Psychological Evaluations. No school mental health personnel shall conduct a
4 psychological evaluation or examination of any child unless the school first receives written consent
5 from the child's parent or legal guardian on a form to be provided by the school.

6 2 Effective Date. This act shall take effect 60 days after its passage.

Amendments

Rep. Ladd, Graf. 5
March 5, 2009
2009-0632h
04/01

Amendment to HB 509

1 Amend RSA 200:34-a as inserted by section 1 of the bill by replacing it with the following:

2

3 200:34-a Psychological Evaluations. No school personnel shall conduct a psychological
4 evaluation of any child unless the school first receives written consent from the child's parent or
5 legal guardian on a form to be provided by the school.

2009-0632h

AMENDED ANALYSIS

This bill requires school personnel to obtain written consent of a parent or legal guardian prior to conducting any psychological evaluation on a child.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON EDUCATION

PUBLIC HEARING ON HB 509

BILL TITLE: requiring parental consent for psychological evaluations by school districts.

DATE: February 10, 2009

LOB ROOM: 207 **Time Public Hearing Called to Order:** 11:40 AM

Time Adjourned: 12:03 PM

(please circle if present)

Committee Members: Reps. Rous, Recvor, Yeaton, Clarke, B. Shaw, S. Merrick, K. Shaw, J. Day, O'Neil, Burke, P. Harvey, P. Price, Ingbretson, Stiles, K. Hutchinson, Boehm, Laurent, E. Ward, Fleck and Ladd

Bill Sponsors: Reps. P. Katsakiores, Rock 5; Baldasaro, Rock 3

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Representative Phyllis Katsakiores, prime sponsor – supports.

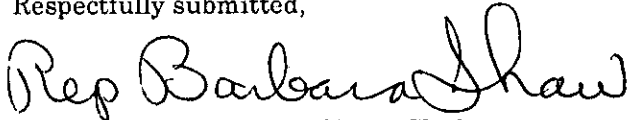
- Amend to strike out mental health personnel.
- Will present an amendment to the committee.
- Does this happen in New Hampshire? Yes.
- Bill requires parental consent for psychological examinations.

*Kevin Hall, Citizens Commission on Human Rights – supports. See written testimony.

Dean Michener, NH School Boards Association – opposes. The districts already must get parental permission especially for special education students. He's concerned with the lack of clarity within the bill which may limit visits to guidance counselors without parental permission. There is already passive consent within the school that any concern regarding a student must first be referred to a parent.

Mark Joyce, NHSAA – opposes. As amended would infer "no school personnel shall conduct a psychological evaluation or exam." As the law is stated now, parental consent is already in place for testing. An exam could even be extended to eye exam, etc. by the school nurse. It is not needed at this time.

Respectfully submitted,



Representative Barbara Shaw, Clerk

HOUSE COMMITTEE ON EDUCATION

PUBLIC HEARING ON HB 509

BILL TITLE: requiring parental consent for psychological evaluations by school districts.

DATE: 2/18/2009

LOB ROOM: 207 Time Public Hearing Called to Order: 11:40 AM

Time Adjourned: 12:03 PM

(please circle if present)

Committee Members: Reps. Rous, Reever, Yeaton, Clarke, B. Shaw, S. Merrick, K. Shaw, J. Day, O'Neil, Burke, P. Harvey, P. Price, Ingretson, Stiles, K. Hutchinson, Boehm, Laurent, B. Ward, Fleck and Ladd.

Bill Sponsors: Reps. P. Katsakiores, Rock 5; Baldasaro, Rock 3

1 Rep. Phyllis Katsakiores - prime sponsor - introduced bill

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

- amend - strike out mental health personnel.
- will present amendment to committee
- Does this happen in NA? Yes.
- Bill requires parental consent for psychological examinations.

2 Kevin Hall
• written testimony

3 Dean Mitchner - NRSBA

opposition to bill
districts already must get parental permission especially special ed students.

~~is~~ concerned with lack of clarity within bill which may limit visits to guidance counselors without parental permission already passive consent within school that any concern regarding a student must first be referred to parent.

① Mark Joyce - NHSA

opposed

as amended would ^{infer} ~~can~~ ^{shall} conduct ^{psychological} evaluation
or exam"

as law is stated now, parental consent
is already in place for testing.

exam ~~and~~ could even be extended to eye exam,
etc by school nurse.

not needed at this time.

Rep Barbara Shaw

Testimony

(2)

Kevin Hall



Citizens Commission on Human Rights New England

607 Boylston St., PMB 213, Lower Level, Boston, MA 02116, CCHREUS.ORG, (617) 927-CCHR

February 9, 2009

New England Commissioners

Russell Albert
State Representative

Robert Baritz
Doctor of Chiropractic

Betsy Bartlett
*Masters in Education
Master of Science in Nursing
Family Nurse Practitioner*

Jim Collins
Medical Doctor

Dr. Dan Edmunds, D.Ed.
Pastoral Community Counseling

David Egner
Child Psychologist

Patricia Guitano
Doctor of Chiropractic

Gregory Hession
Juris Doctor

Peter J. Kevorician
Doctor of Chiropractic

Erik Langeland
Attorney

Otan Logi
*Former L.C.S.W. &
psychotherapist*

Arthur McAuley
Doctor of Dental Surgery

James Paicopoulos
School Psychologist

HB 509, An act requiring parental consent for psychological evaluations by school districts.

Position – IN FAVOR with amendment

Dear Chairman Rous and Members of the Committee on Education:

Please amend HB509 by striking from line one, the words “mental health” and pass this legislation favorably through your committee.

Mental health screening is mandated to be done in some schools by personnel other than those in mental health, such as by teachers, so therefore HB509 shouldn't be so limited.

The bill itself merely ensures that parents have a choice as to whether or not a school mental health screens their child which obviously should be a parental right.

After passing such legislation, I hope the committee goes even further in protecting children and the rest of my testimony explains why.

For any product to sell, it obviously must be marketed and this includes selling psychotropic drugs that are taken by children. It is also true that no child (or any person for that matter) is ever prescribed psychotropic drugs without being labeled with a mental disorder. Furthermore, nobody is ever given a mental disorder without first receiving some type of mental health evaluation and that would include a mental health screening.

The largest regional mental health screening organization is Screening for Mental Health, Inc. out of Wellesley, MA. As you can see in the attached documents, they received several millions of dollars from pharmaceutical companies including that over-sized ½ million dollar check from Eli Lilly & Co. that they promoted in a newspaper. Yes, mental health screening is a form of indirect psychotropic drug marketing to children that is generally done through public schools.

Most screening around the country is done with parental written consent but certainly not all. Attached is a form from another state's school district with “passive consent” mental health screening forms. This means that the mental health screening is to be done either


with consent or if a parent doesn't get around to signing that they don't want the screening. In other words, it's assumed that a parent gives permission to have their child screened even if the child never gets the form home for the parent to review.

The attached statement from Career Specialist Terry R. Smith of Flager Palm Coast High School of Palm Coast, FL states, "[T]he passive acceptance style was mostly discussed to increase the numbers from 50% for Consent to near 95% for Passive." From this you can see that passive consent is a form of trickery to take away a parent's right to choose whether or not their child should be screened. HB509 addresses this so that it won't become a situation in New Hampshire, especially since federal funding for mental health screening has been set aside to pay schools to screen their children. There is also much controversy over the validity of mental health screening tests but I will not go into this as HB509 doesn't eliminate screening or give information about testing validity.

New Hampshire, including this committee, should also take action because New Hampshire is one of the leading, per capita, users of psychotropic drugs on children. The attached graphs clearly shows these facts. One is a graph showing that New Hampshire led the nation in per capita Ritalin-type drugs for eight straight years and the other shows the tremendous increase of antipsychotic tranquilizer drugs on New Hampshire children from 2000 – 2007.

An article also ran in both the Northcountry News and the Eagle-Tribune covering a petition of the co-sponsor of HB509 and 16 other state representatives who asked Attorney General Kelly Ayotte to work with the US Department of Justice to both sue and criminally prosecute executives of Eli Lilly for intentionally maiming and killing people by covering up the diabetes side effect of their antipsychotic, Zyprexa. Thank you to Representative Baldasaro and Education Committee members Ingbretson and Hutchinson for taking such bold, unselfish and necessary action. As a committee, please unite to take similar actions. You have the ability to change the world through your actions.

Sincerely,



Kevin Hall
New England Director

HOUSE BILL 509

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SPONSORS: Rep. P. Katsakiores, Rock 5; Rep. Baldasaro, Rock 3

COMMITTEE: Education

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2 Effective Date. This act shall take effect 60 days after its passage.

Amendment - please
strike "mental health"

From: Terry R. & Valerie Smith (tvss@pcfl.net)
Sent: Monday, March 15, 2004 4:45 PM
To: TF-McDonough, Jim
Cc: TF-Clark, Tami- ODC
Subject: TeenScreen

Hi Jim,

Thank you for taking a few minutes with me Friday afternoon. It is always good to be in Tallahassee.

The Flagler County School District committee met today and discussed TeenScreen. The conversation was very positive. The interest would be to screen as many as possible, beginning in 9th grade. (The passive acceptance style was mostly discussed to increase the numbers from 50% for Consent to near 95% for Passive.)

We had a conference call with Columbia TeenScreen and they were very helpful in setting some issues.

The next step is Columbia is sending a booklet for planning and contract. I will review and get with the District's program manager and call a meeting to finalize a plan to present to the School Superintendent. Then to the School Board. The thought is to initiate the program by next school year in September if all goes well. The consensus today was to make it happen.

It is not a done deal, but the interest in moving forward was very high. Funding for potentially additional clinical services was discussed. The planning book and Columbia's consultation will determine how we can implement. We discussed bringing in other community organizations and resources into the program.

Any support or guidance from your office would be appreciated.

Mr. Terry R. Smith
Career Specialist
Flagler Palm Coast High School
PO Box 488
Palm Coast, FL 32137
386-473-7540, ext 1007
smitht1@flagler.k12.fl.us

★ 50% of kids
screened with
parental consent
95% screen
with Passive
Consent.

Flagler Palm Coast High School
P.O. Box 488
Bunnell, FL 32110

January 20, 2005

Dear Parent,

Flagler Palm Coast High School is participating in the Columbia University's TeenScreen® Program, a screening program that is designed for the early identification of emotional health issues in youth. The main focus of this screening is to help our students live a healthy life style and reach their academic and personal potential. We know that young people do not like to ask for help because they are embarrassed or don't know whom to ask. We also know that two-thirds of young people who struggle with emotional health issues go unidentified and untreated. Our goals in conducting these screenings are to find students with these difficulties in a timely manner and provide them with referrals to the appropriate services.

The purpose of this letter is to let you know about the screening process. The confidential screening will be administered by a trained staff member during school hours. Your child's participation is voluntary; he/she can withdraw at any time.

What is involved in the TeenScreen® Program?

First Step: Students will be able to participate in TeenScreen during their normally scheduled Health class. The screening is done using a computerized program called the DPS. Students wear headphones and answer questions directly into the computer using the keyboard. The answers are usually "yes" or "no" but some questions require the student to type in additional information.

Second Step: If your child's DPS screen is positive, he/she will then meet with a mental health professional to discuss the results. At the end of this interview, the professional will determine whether or not your child would benefit from further evaluation and/or treatment. Students with negative DPS screens do not participate in the second step unless they request to do so.

All information will be kept confidential and will not be discussed with other school personnel. However, if your child's screening results indicate a need for further evaluation or treatment, you will be notified and a referral recommendation will be discussed with you.

If you would like your child to participate in this program, **you need not do anything further.** If, for any reason, you do not want your child to participate in TeenScreen, please complete and return the attached slip to the Health Teacher by February 4, 2005. If you have any questions, please contact the Project Coordinator - Mr. Terry R. Smith, 437-7540, ext 1007).

Sincerely,

Mr. Bill Delbrugge, Principal

Please return this slip **ONLY** if you do **NOT** want your child to participate

Return to:

Date: _____

I do **NOT** want my child to participate:

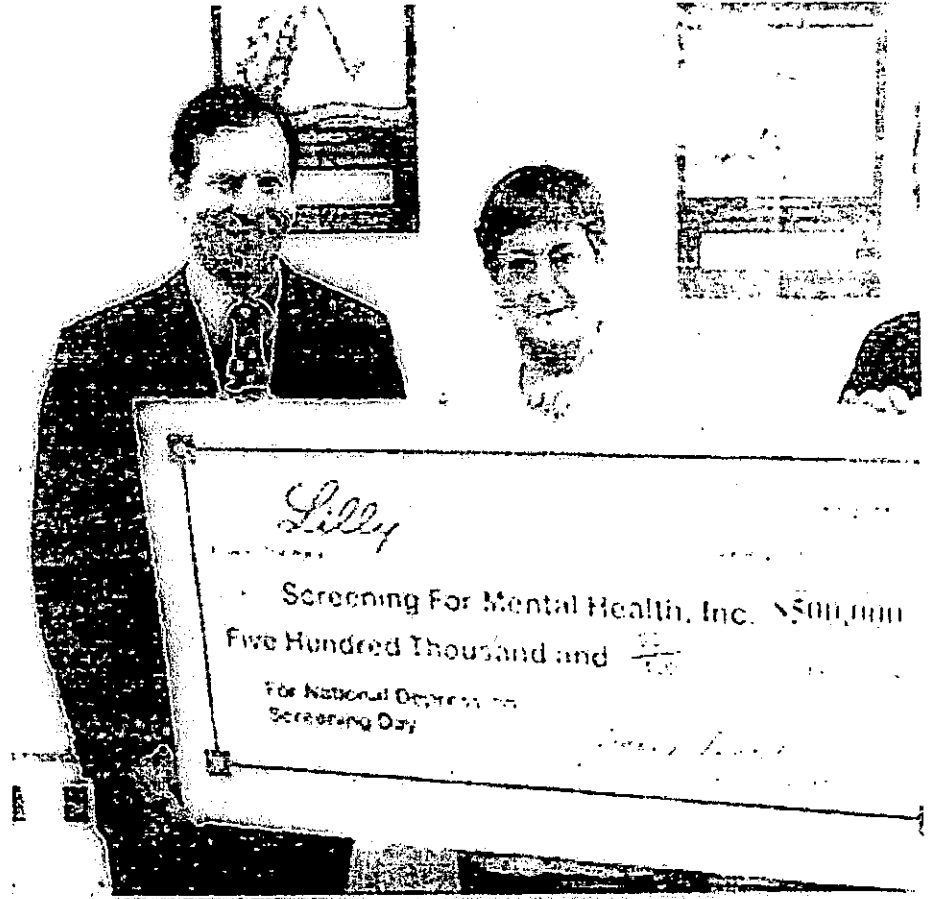
Student's Name: _____

Parent's Name: _____

Parent's Signature: _____

Example
of
passive
Consent

4 • Thursday, October 18, 2001 • BELMONT CITIZEN

HAPPY RETURNS

Bob Pitasi of Eli Lilly and Company (right) presents a check for \$500,000 to Screening For Mental Health, Inc. in support of the organization's annual National Depression Screening Day. Also pictured is Newton, founder and executive director of Screening for Mental Health, and Evie B. Resource Center at McLean Hospital in Belmont. McLean was one of the national sponsor Screening Day.

Drug Money—the funding of the Signs of Suicide

The half-million dollar grant to SMH pictured above is just the tip of the iceberg about the grants to SMH from Eli Lilly, Pfizer, Solvay, Abbott Labs, Wye Pharmaceuticals, The Robert Johnson Foundation, AstaZeneca and Glaxo. Below are the actual tax returns showing how much and when these grants were received. Lilly alone has poured \$2,157,925.00 into the program from 2001 to 2003.

Eli Lilly \$857,925
Pfizer Inc. \$275,000
Solvay Pharmaceuticals \$27,500
Abbot Laboratories \$35,000

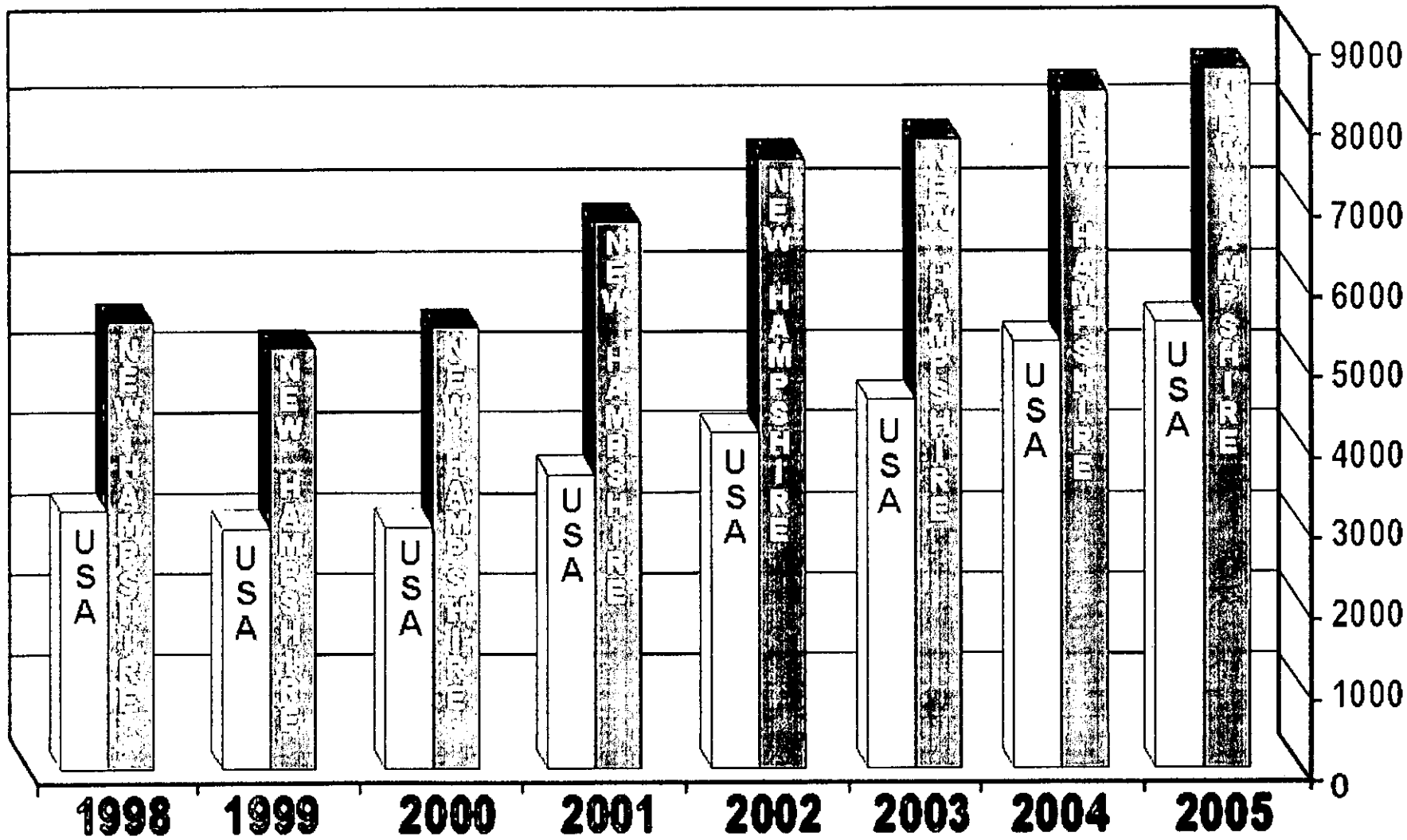
Eli Lilly \$400,000
Pfizer, Inc. \$150,000

New Hampshire, World Leader in the Psychiatric Drugging of Children

NH vs. US Avg. in Methylphenidate purchases -- Grams per 100,000 Population

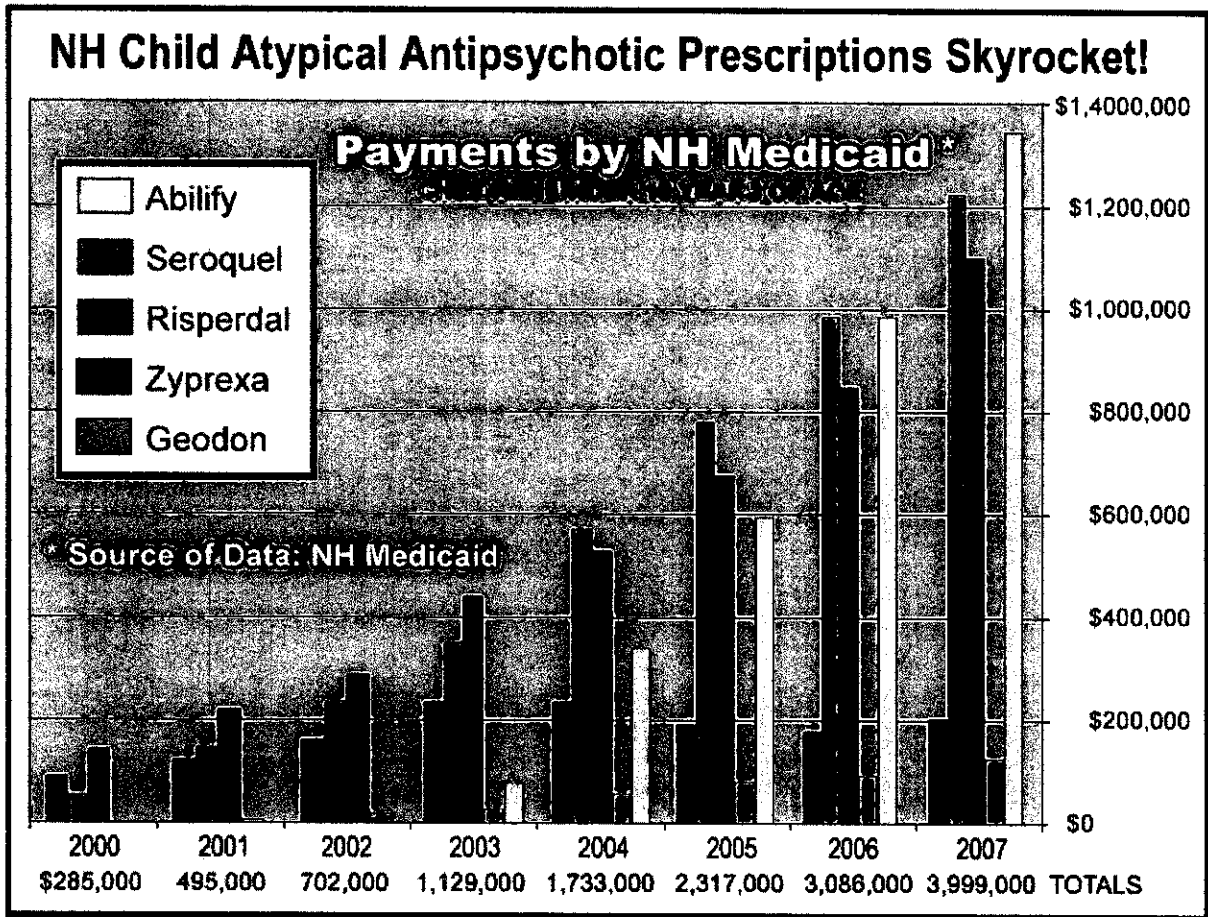
Methylphenidate (Ritalin, Concerta, Metadate, etc.)

*** This drug is similar to, but stronger than cocaine - Journal of the AMA ***



New Hampshire's per capita annual methylphenidate use has tripled in eight years

* Source of data: DEA



By Bryan Flagg

Last January, Northcountry News exposed that New Hampshire had led the nation in per capita methylphenidate (includes drugs like Ritalin and Concerta) purchases for eight straight years. While proponents of the drug try to convince you that this amphetamine-type drug is safe, only a little internet research will show you that it's similar to, but more powerful than cocaine, can cause tourette's syndrome, heart problems, suicide, hallucinations and much more. While few kids were on any type of psychiatric drug when I was young, about 4 million nationally are prescribed this and other amphetamines today.

Nobody would ever even try to claim that psychiatry's most powerful drugs, antipsychotics, are milk and there's very little FDA-approval of these drugs for children. In the past, it was almost unheard of for a child to be prescribed such powerful, mind-altering tranquilizers, yet over 2.5 million children are placed on these drugs today.

Northcountry News recently received documents obtained from the New Hampshire Office of Medicaid Business and Policy revealing that it spent a whopping \$3,999,000 on atypical antipsychotics for children under the age of eighteen in 2007, as opposed to just \$285,000 in 2000.

Atypical antipsychotics are simply the newer ones, such as Zyprexa (Eli Lilly), Abilify (Bristol-Myer Squibb), Risperdal (Janssen – subsidiary of Johnson & Johnson), Seroquel (AstraZeneca) and Geodon (Pfizer). The older or typical antipsychotics would include Thorazine, Haldol and several others. The atypicals, as well as the typicals, can often create fear in adults labeled with mental disorders as these newer drugs can cause early death, diabetes, heart failure, psychoses, permanent muscle spasms and much more. Again, if you don't believe this, simply go on to the internet and

Voting Sheets

HOUSE COMMITTEE ON EDUCATION

EXECUTIVE SESSION on HB 509

BILL TITLE: requiring parental consent for psychological evaluations by school districts.

DATE: March 5, 2009

LOB ROOM: 207

Amendments:

Sponsor: Rep. R. Ladd OLS Document #: 2009 0632h

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.) **AMENDMENT ONLY**

Moved by Rep. R. Ladd

Seconded by Rep. B. Ward

Vote: 18-1 VOICE VOTE MOTION ADOPTED(Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. R. Ladd

Seconded by Rep. J. Fleck

Vote: 19-0 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 19-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,
Rep. Barbara Shaw
Rep. Barbara E. Shaw, Clerk

HOUSE COMMITTEE ON EDUCATION

EXECUTIVE SESSION on HB 509

BILL TITLE: requiring parental consent for psychological evaluations by school districts.

DATE: 3/5/2009

LOB ROOM: 207

Amendments:

Sponsor: Rep. Ladd

OLS Document #: 0632 h

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. B Shaw

Withdrawal

amendment 0632 h
moved: Ladd
2nd: Ward
18 - 1 abstention

Seconded by Rep. Clarke

Vote: (Please attach record of roll call vote.)

Motions: OTP, (OTP/A) ITL, Interim Study (Please circle one.)

Moved by Rep. Ladd

Seconded by Rep. Fleck

Vote: 19-0 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 19-0 Consent

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Barbara E. Shaw, Clerk

Committee Report

CONSENT CALENDAR

March 25, 2009

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on EDUCATION to which was referred
HB509,**

**AN ACT requiring parental consent for psychological
evaluations by school districts. Having considered the
same, report the same with the following amendment,
and the recommendation that the bill OUGHT TO PASS
WITH AMENDMENT.**

Rep. Rick M Ladd

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	EDUCATION
Bill Number:	HB509
Title:	requiring parental consent for psychological evaluations by school districts.
Date:	March 5, 2009
Consent Calendar:	YES
Recommendation:	OUGHT TO PASS WITH AMENDMENT

STATEMENT OF INTENT

This bill requires school personnel to obtain written consent of a parent or legal guardian prior to conducting any psychological evaluation of a child. The bill does not change procedures currently in place for state or school district group achievement or other instructional testing. The bill itself merely ensures that the parent or legal guardian has the right to know and make the choice as to whether or not a school can administer a psychological evaluation on a child.

Vote 19-0.

Rep. Rick M Ladd
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

EDUCATION

HB509, requiring parental consent for psychological evaluations by school districts. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick M Ladd for EDUCATION. This bill requires school personnel to obtain written consent of a parent or legal guardian prior to conducting any psychological evaluation of a child. The bill does not change procedures currently in place for state or school district group achievement or other instructional testing. The bill itself merely ensures that the parent or legal guardian has the right to know and make the choice as to whether or not a school can administer a psychological evaluation on a child. **Vote 19-0.**

Original: House Clerk

Cc: Committee Bill File

HB 509

R. Ladd

OTP/A

19-0

CC

This bill requires school personnel to obtain written consent of a parent or legal guardian prior to conducting any psychological evaluation of a child. The bill does not change procedures currently in place for state or school district group achievement or other instructional testing. The bill itself merely ensures that the parent or legal guardian has the right to know and make the choice as to whether or not a school can administer a psychological evaluation on a child.

ER

