

111TH CONGRESS
1ST SESSION

H. R. 2931

To direct the Secretary of Defense to adopt a program of professional and confidential screenings for members of the armed forces on active duty to detect mental health conditions for the purpose of reducing the incidence of suicide among such members and veterans, and to detect traumatic brain injuries, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 17, 2009

Mr. TEAGUE (for himself and Mr. MURPHY of New York) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To direct the Secretary of Defense to adopt a program of professional and confidential screenings for members of the armed forces on active duty to detect mental health conditions for the purpose of reducing the incidence of suicide among such members and veterans, and to detect traumatic brain injuries, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Kyle Barthel Veterans
3 and Service Members Mental Health Screening Act”.

4 **SEC. 2. MANDATORY CONFIDENTIAL SCREENINGS FOR SUI-**
5 **CIDE AND SUBSTANCE ABUSE PREVENTION.**

6 (a) IN GENERAL.—The Secretary of Defense shall
7 ensure that each member of the armed forces on active
8 duty (referred to in this Act as “member”) is screened
9 for mental health conditions by a licensed mental health
10 professional for the purpose of reducing the prevalence of
11 suicide among such service members, future veterans, and
12 veterans.

13 (b) REQUIREMENTS FOR SCREENINGS.—

14 (1) MANDATORY.—Each member shall be re-
15 quired to participate in screenings under subsection
16 (a) shall be mandatory.

17 (2) CONFIDENTIAL.—With respect to the
18 screenings conducted under this section, the Sec-
19 retary shall ensure compliance with all applicable
20 laws and regulations relating to the confidentiality of
21 the health care information generated through such
22 screenings.

23 (3) IN PERSON SCREENING REQUIRED.—The li-
24 censed mental health professional conducting the
25 screening under subsection (a) must be in the phys-

1 ical presence of the member at the time the screen-
2 ing for such member is conducted.

3 (4) STANDARDS.—The screenings under sub-
4 section (a) shall conform to a set of standards devel-
5 oped by the Secretary of Defense, in consultation
6 with the National Institute for Mental Health, for
7 the purpose of identifying suicide and substance
8 abuse risk factors.

9 (c) TIMING OF SCREENINGS.—With respect to a
10 member, the screenings under subsection (a) shall be con-
11 ducted—

12 (1) within 30 days of such member’s induction
13 to active duty service;

14 (2) as a component of each required physical
15 exam;

16 (3) one time during the 30-day period ending
17 on the date such member is deployed to in support
18 of a contingency operation (as defined in section
19 101(13) of title 10, United States Code);

20 (4) one time during the 30-day period ending
21 on the date that such deployment is scheduled to
22 end;

23 (5) one time during the 90-day period following
24 the date under paragraph (4); and

1 (6) one time during the 90-day period following
2 the period in paragraph (5).

3 (d) PROTECTION FROM ADVERSE TREATMENT.—For
4 the purpose of encouraging members to provide complete
5 information during the screenings under subsection (a)
6 and to discourage members from stigmatizing participa-
7 tion in treatment for depression and other mental health
8 problems, the Secretary of Defense shall not use the re-
9 sults of a screening under subsection (a) to—

10 (1) prohibit a member from returning to the
11 United States;

12 (2) prohibit a member from being discharged
13 from the armed forces; or

14 (3) to involuntary discharge a member from the
15 armed forces.

16 (e) DEFENSE STUDY AND REPORT.—

17 (1) STUDY.—The Secretary of Defense shall
18 conduct a study—

19 (A) to collect data on—

20 (i) the number of licensed mental
21 health providers who are employed by the
22 Secretary;

23 (ii) the number of members that each
24 such provider is expected to screen and
25 treat;

1 (iii) the expected retirement dates of
2 such providers;

3 (iv) the geographic location of such
4 providers; and

5 (v) the ability of members to access
6 screening and treatment services offered by
7 such providers; and

8 (B) to evaluate whether redistributing such
9 providers geographically, assigning different
10 tasks to such providers, and hiring additional
11 such providers would assist the Secretary in
12 providing adequate mental health screening and
13 treatment to members (including the mental
14 health screenings required by this Act).

15 (2) REPORT.—Not later than one year after the
16 date of the enactment of this section, the Secretary
17 of Defense shall submit to the Congress a report on
18 the results of the study conducted under paragraph
19 (1).

20 (f) DEPARTMENT OF VETERANS AFFAIRS.—

21 (1) STUDY.—The Secretary of Veterans Affairs
22 shall conduct a study—

23 (A) to collect data on—

- 1 (i) the number of licensed mental
2 health providers who are employed by the
3 Secretary;
- 4 (ii) the number of veterans that each
5 provider is expected to screen and treat;
- 6 (iii) the expected retirement dates of
7 such providers;
- 8 (iv) the geographic location of such
9 providers; and
- 10 (v) the ability of veterans to access
11 screening and treatment services offered by
12 such providers;
- 13 (B) to evaluate whether redistributing such
14 providers geographically, assigning different
15 tasks to such providers, and hiring additional
16 such providers would assist the Secretary in
17 providing adequate mental health treatment
18 and screening services to veterans; and
- 19 (C) to determine the projected cost of hir-
20 ing and retaining licensed mental health pro-
21 viders to be placed in each veteran hospital,
22 community-based outpatient clinic, and facility
23 operates under a contract to provide clinical
24 services on behalf of the Department of Vet-
25 erans Affairs.

1 (2) REPORT.—Not later than one year after the
2 date of the enactment of this section, the Secretary
3 of Veterans Affairs shall submit to the Congress a
4 report on the results of the study conducted under
5 paragraph (1).

6 **SEC. 3. MANDATORY TBI SCREENINGS.**

7 (a) IN GENERAL.—The Secretary of Defense shall re-
8 quire that each member on active duty is screened for a
9 traumatic brain injury by a licensed professional who is
10 qualified to conduct such screening.

11 (b) TIMING OF SCREENINGS.—With respect to a serv-
12 ice member, the screenings under subsection (a) shall be
13 conducted—

14 (1) as a component of each required physical
15 exam;

16 (2) one time during the 30-day period begin-
17 ning on the date such member is deployed such
18 member is deployed to in support of a contingency
19 operation (as defined in section 101(13) of title 10,
20 United States Code);

21 (3) one time during the 30-day period ending
22 on the date on which such deployment is scheduled
23 to end for such member; and

24 (4) one time during the 90-day period following
25 the date under paragraph (3).

1 **SEC. 4. DEPARTMENT OF DEFENSE AND DEPARTMENT OF**
2 **VETERANS AFFAIRS INFORMATION SHARING.**

3 Pursuant to and consistent with requirements of the
4 Wounded Warrior Act (title XVI of Public Law 110–181)
5 (including the requirements of section 1614 of that Act)
6 and section 1720F of title 38, United States Code, the
7 Secretary of Defense and the Secretary of Veterans Af-
8 fairs shall establish a joint protocol to share existing and
9 future reports concerning screenings conducted under this
10 Act to help aid members and veterans who are
11 transitioning from receiving health care and treatment
12 through Department of Defense to receiving such care and
13 services through the Department of Veterans Affairs.

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