

Identifying Legal and Policy Strategies to Promote Mental Health and Well-Being

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Mental Health is Public Health

Historically, mental health has been viewed as primarily a matter of individual health. Just as we have come to understand the role of social, economic, and environmental factors in physical health, there is growing awareness of the social determinants of mental health. Mental health and physical health are deeply interconnected by complex pathways. How we experience and respond to stress, toxic stress, trauma, and adverse childhood experiences can impact our vulnerability to and resilience in the face of both chronic and infectious disease. Communities across the nation have identified mental health as an unmet need and a high priority during the community health needs assessment process. Interventions to improve mental health and well-being may increase individual resilience, improve problem-solving skills, and enhance social connection and cohesion.

The Role of Law

This research focuses on legal and policy interventions to promote mental health and well-being. The law provides tools to improve health by addressing physical, social and economic factors that influence health outcomes at the population level.

The Network convened leaders in improving mental health in a variety of sectors at the local, state, and national level in April, 2017. Using TOP (Technology of Participation) facilitation methods, the group identified current trends in mental health promotion, including innovative legal strategies, as well as gaps where additional research and advocacy is needed. Creation of a menu of legal and policy options emerged as a critical next step to advance efforts to promote mental health and well-being.

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Legal and Policy Strategies

Mental health literacy and stigma reduction:

Mental Health Services Act: California has had a statewide mental illness stigma reduction initiative for over a decade.

Adverse Childhood Experiences: States may fund, require, or encourage screening, training, and education about ACEs.

Mental Health First Aid: States or cities may fund, require, or encourage training about mental illness and addiction.

Upstream prevention:

Family Home Visiting: Home visiting programs provide parenting education and support. Federal funding for Maternal Infant and Early Childhood Visiting has not been reauthorized.

Diaper Need: Difficulty affording diapers is a source of stress. State tax exemptions for diapers and state programs that offer diaper vouchers for tobacco cessation address diaper need.

Social Emotional Learning and Trauma-Informed Education: Create the conditions for student learning and nurture self-awareness, relationship-building, responsible decision-making, resilience, and coping skills.

Access to mental health care:

Mental Health Parity: Require insurers that provide coverage for mental health care to provide coverage that is no more restrictive than coverage provided for physical health care.

Integration with Primary Care: Reform payment structures, such as through pay for performance and capitation, to facilitate integration with primary care.

Telemental Health: Provide insurance coverage (including Medicaid) for telemental health services and clarify privacy and security requirements for data and therapeutic sessions.

Public safety:

Crisis Intervention Teams: Train law enforcement and other first responders on response to mental health crises, including mental and behavioral health partners.

Suicide Prevention: Several states, including Oregon, have begun to address mental health and suicide prevention in continuing education requirements for primary care providers.

Prescription Drug Overdose: Provide insurance coverage for mindfulness instruction as a pain management strategy.

Next Steps

Identify Effective Legal and Policy Strategies: Consult peer-reviewed research and legal scholarship as well as leaders on the ground.

Create Menu of Policy Options: Draft a document that lists policy options, together with references to supporting evidence and examples of real-world laws and policies.

Pilot the Menu: Work with communities that seek to use the menu to guide their decision-making and provide technical assistance to address implementation challenges.

Revise the Menu: Engage in policy surveillance and ongoing revision and expansion of the menu based on the evidence and experience.