**Gail Headlee**

**Proponent Testimony for House Bill 338**

**Tuesday, February 4, 2020**

Chairman Lipps, Vice-Chair Manning, Ranking Member Boyd, and members of the House Health Committee: thank you for the opportunity to present proponent testimony for House Bill 338, the Mental Health Awareness and Community Violence Protection Act.

I am here today because I have a family member with a long history of mental health issues. I support House Bill 338 because I believe it addresses a critical need to identify people meeting two independent yet often related criteria – those in need of mental health treatment who also have presented reasonable cause to believe they may present a risk of harming themselves or others. Identifying such people before a crisis occurs not only protects the community at large, but also serves their own best interests by providing an opportunity to prevent them from carrying out a devastating, life-changing event and creating a clearer path for them to obtain any needed mental health treatment.

For the past ten-plus years my family and I have been very involved with our family member’s interactions with the mental health system. Among the many frustrations we’ve encountered is a lack of communication among mental health and other professionals about a person’s history within the system. Decisions are often made without any knowledge or consideration of a person’s patterns of behavior, resulting in missed opportunities to defuse a situation that may have been building over time. We often hear in the aftermath of such tragedies about how there were warning signs, and why didn’t somebody do something? It’s because there is not currently a clear answer as to what can be done. I believe House Bill 338 takes an important step in defining basic protocols to prevent people from “falling through the cracks” and providing multiple checkpoints to ensure the safety and rights of both the community and the individual.

With the exception of the provision to introduce a Potential Risk Protection Order, much of House Bill 338 is built on existing laws and regulations. The Potential Risk Protection Order adds levels of protection and cohesiveness which currently don’t exist. Think of the mental health system as a series of pipes – right now, under existing civil commitment laws, if someone enters the 72-hour evaluation “pipe,” or the court-ordered treatment “pipe,” they go through the process and come out the other end with no clear direction. This is where people fall through the cracks. By assembling the existing processes into a standard, sequential protocol, House Bill 338 helps to connect those “pipes” and provide a clear direction for proceeding through the system as well as multiple opportunities for the person to exit the “pipes” should they not meet the criteria for continued evaluation.

The initial steps of the process outlined in House Bill 338 are nothing new. Law Enforcement is generally the first point of contact when a serious mental health issue arises, and many law enforcement agencies have officers specially trained to deal with mental health issues. If at the law enforcement officer’s discretion there is an indication of danger to self or others, the officer determines the next step. We have been down this very path with our family member multiple times. In each situation this person presented a clear danger to self or others. In some cases this person was arrested and taken to jail due to violent behavior toward others, other times this person was taken directly to a psychiatric facility. These situations often ended up in court with a variety of outcomes. But at the end of each trip through the mental health system, our family member was left to float aimlessly until the next incident. Our personal experience tells us there will be more incidents, and we pray the next one won’t escalate into a horrible, preventable tragedy.

We don’t know whether our family member has access to a deadly weapon, whether it be a gun, knife, or anything else that could inflict serious harm. This is a difficult concept to live with. Anytime we hear a news story about a mass shooting or other tragedy, our thoughts jump to whether our family member could have been involved. House Bill 338 provides a critical step toward identifying whether a person has the means to inflict serious harm to self or others and a clear protocol for defusing such a situation, whereas right now there is far too much ambiguity. This ambiguity has led to far too many preventable tragedies, because someone in a similar mental state has either taken their own life or taken the lives of others.

House Bill 338 helps to provide an important part of the solution to the critical issue of identifying those in need of mental health services or treatment who may harm themselves or others. While no legislation will stop every tragedy before it happens, it is imperative we do something, and House Bill 338 is a well-reasoned bill which gives every consideration to the safety and rights of the community as well as the individual.

Chairman Lipps, thank you again for the opportunity to share our family’s story. I would also like to thank Representative Greenspan for introducing this legislation as a step toward ensuring we are doing all we can to prevent needless tragedies while protecting the rights of all Ohioans, including the mentally ill. At this time, I would be happy to do my best to answer any questions the committee may have.