

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.

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## 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

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## 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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