S. 1703

To require the provision of information to members of the Armed Forces on availability of mental health services and related privacy rights.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 14, 2013

Ms. MURKOWSKI introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To require the provision of information to members of the Armed Forces on availability of mental health services and related privacy rights.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROVISION OF INFORMATION TO MEMBERS OF THE ARMED FORCES ON AVAILABILITY OF MENTAL HEALTH SERVICES AND RELATED PRIVACY RIGHTS.

(a) In general.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1090a the following new section:
“§ 1090b. Notice to members of the armed forces on availability of mental health services and privacy rights related to receipt of such services

“(a) Provision of Information Required.—The Secretaries of the military departments shall ensure that the information described in subsection (b) is provided—

“(1) to each officer candidate during initial training;

“(2) to each recruit during basic training; and

“(3) to other members of the armed forces at such times as the Secretary of Defense considers appropriate.

“(b) Required Information.—The information required to be provided under subsection (a) shall include at a minimum the following:

“(1) Information regarding the availability of mental health services under this chapter.

“(2) Information on the applicability of Department of Defense Directive 6025.18 and other regulations regarding privacy prescribed pursuant to the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191) to records regarding a member seeking and receiving mental health services, including the extent to which—
“(A) any such records can be shared with promotion boards, commanding officers, and other members of the armed forces;

“(B) any adverse actions can be taken against the member for seeking and receiving mental health services; and

“(C) a diagnosis of a mental health condition can result in negative personnel action.

“(c) Reduction of Perceived Stigma.—As provided in section 1090a(b)(1) of this title, in providing information under subsection (a), the Secretary of a military department shall seek to eliminate perceived stigma associated with seeking and receiving mental health services and to promote the use of mental health services on a basis comparable to the use of other medical and health services.”.

(b) Clerical Amendment.—The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1090a the following new item:

“1090b. Notice to members of the armed forces on availability of mental health services and privacy rights related to receipt of such services.”.

(c) Provision of Information to Current Members.—As soon as practicable after the date of the enactment of this Act, the Secretary of Defense shall ensure that all members of the Armed Forces, including members
of the reserve components, serving in the Armed Forces as of that date are provided the information required to be provided to new recruits and officer candidates pursuant to section 1090b of title 10, United States Code, as added by subsection (a).