

HB2582 — AN ACT concerning education, relating to the Kansas school equity and enhancement act; creating the behavioral health intervention weighting; amending K.S.A. 2019 Supp. 72-5131, 72-5132 and 72-5171 and repealing the existing section.

Nick Reinecker

Opponent Testimony

House K-12 Education Budget

Wednesday Feb. 19, 2020

Chair: Rep. Williams

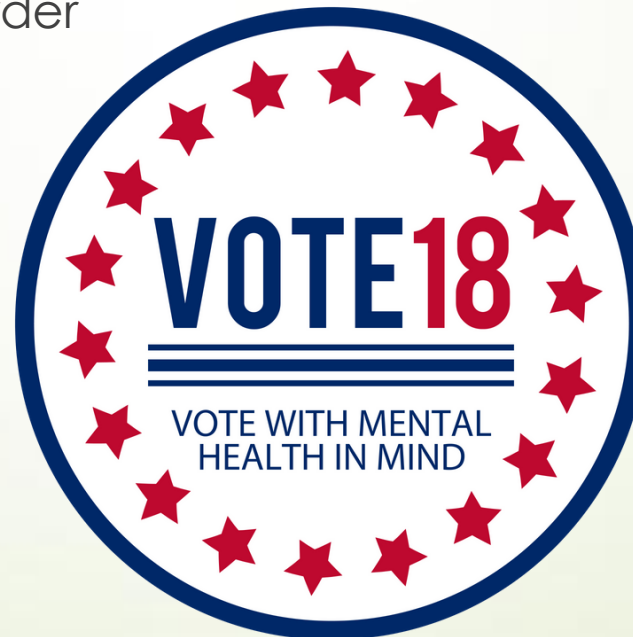
# Icebreaker: Voting for Your Brain-You Decide!

Should be DSM-VI Diagnosis?

- Politics Use Disorder
- Internet Use Disorder
- Caffeine Use Disorder

Should be Controlled Substance?

- Tobacco
- Coffee
- Sugar
- Cannabis





# “Psychiatrist Bible”: Diagnostic and Statistical Manual (DSM) of Mental Disorders

- ▶ Guide with introductory caveat and cautionary statement
    - ▶ Cause of mental illness?
      - ▶ Chemical Imbalance
      - ▶ Popular vote
      - ▶ Other
  - ▶ Man's solution
    - ▶ DSM-I and DSM-II
      - ▶ Paraphilia
        - ▶ Removed on vote
          - ▶ Political reasons?
- ▶ What can we do to make this billable?
    - ▶ Invent mental illnesses?
  - ▶ 1970's
    - ▶ Psychiatry
      - ▶ Practice medicine
        - ▶ DSM-III
          - ▶ 1980
          - ▶ No Freudian
          - ▶ Provocative Question
            - ▶ Shout loud
            - ▶ Diagnosis



# Diagnostic and Statistical Manual fifth edition: SUD Issues

- ▶ DSM-IV
  - ▶ Based on idea that there is a DIFFERENCE IN KIND between substance abuse and dependence/addiction
- ▶ DSM-V inconsistent
  - ▶ Based upon idea that there is only A DIFFERENCE IN DEGREE between abuse and addiction based on number of symptoms.
- ▶ THIS CRITICAL DIFFERENCE IS ALSO A BREAK IN THE DEVELOPMENT OF THE FUNDAMENTAL CONCEPT OF ADDICTION BEGINNING WITH DSM-III
- ▶ Wednesday January 13 2016
  - ▶ DSM-V Informational Hearing
    - ▶ Senate Public Health and Welfare
      - ▶ Dr. Allen Frances
        - ▶ Chair DSM IV development

# Reference: Caffeine

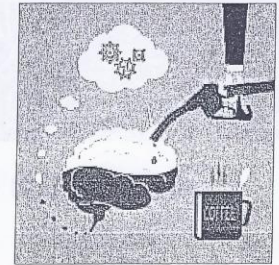
- ▶ Journal of Caffeine Research
  - ▶ Vol. 3 #3 2013
  - ▶ Mary Ann Liefert. In
- ▶ Caffeine Use disorder:
  - ▶ A comprehensive review and research agenda
    - ▶ Steven Meredith Laura M. Juliang, John Hughes, Roland Griffiths
- ▶ Effects of Adolescence Caffeine Consumption on Cocaine Sensitivity
  - ▶ O'Neil, Levis, Schreiner, Amat, Maier, Bachtell
- ▶ Energy Drink Deaths

## Adolescent Caffeine Use and Cocaine Sensitivity

### Science Highlight

November 19, 2014

Caffeine is the most widely used stimulant in the world and use by adolescents has more than doubled since 1980. Chronic caffeine use produces greater tolerance in adolescents compared with adults, suggesting that caffeine may cause greater brain changes in young people. Caffeine consumption is also known to be correlated with increased risk for illicit drug use and substance use disorders (as noted in a recent editorial in *Addiction*).". Since caffeine effects brain areas and circuits where cocaine acts, this study explored whether caffeine use by adolescents can impact the brain's sensitivity to cocaine in adulthood.




In a new study, rats that were treated with caffeine in adolescence showed an increased sensitivity to cocaine as adults that was associated with altered dopamine signaling in brain reward pathway involved in addiction. These changes were not seen in animals that were given caffeine as adults. These results highlight that adolescent brains are still developing and can be impacted by substances in ways that are different from fully developed adult brains. Caffeine use by adolescents may prime the still developing brain for later use of other illicit drugs.

Study:

**Effects of Adolescence Caffeine Consumption on Cocaine Sensitivity**, Casey E. O'Neill, Sophia C. Levis, Drew C. Schreiner, Jose Amat, Steven F. Maier, Ryan K. Bachtell,

# Benzodiazepines

- ▶ What
  - ▶ Americans love caffeine
    - ▶ Substance Use Disorder
      - ▶ Intoxication
      - ▶ Withdrawal
        - ▶ Misdiagnosed anxiety
          - ▶ Prescribed
            - ▶ Valium etc
  - ▶ How many sold?
    - ▶ [Alprazolam](#)/Xanax
    - ▶ [Diazepam](#)/Valium,
      - ▶ [Epileptic Seizure and spasms](#)
- ▶ [https://en.wikipedia.org/wiki/Diagnostic\\_and\\_Statistical\\_Manual\\_of\\_Mental\\_Disorders#DSM-IV\\_.281994.29](https://en.wikipedia.org/wiki/Diagnostic_and_Statistical_Manual_of_Mental_Disorders#DSM-IV_.281994.29)
- ▶ In 2013, shortly before the publication of DSM-5, the Director of the [National Institute of Mental Health](#) (NIMH), [Thomas R. Insel](#), declared that the agency would no longer fund research projects that rely exclusively on DSM diagnostic criteria due to its lack of validity.<sup>[57]</sup> Insel questioned the validity of the DSM classification scheme because "... diagnoses are based on a consensus about clusters of clinical symptoms ...." as opposed to "... collecting the genetic, imaging, physiologic, and cognitive data to see how all the data – not just the symptoms – cluster and how these clusters relate to treatment response."<sup>[58][59]</sup>
- ▶ 57. Insel, Thomas (29 April 2013). "Transforming Diagnosis" (<http://www.nimh.nih.gov/about/director/2013/transforming-diagnosis.shtml>). *Director's Blog, National Institute of Mental Health*. Retrieved 2013-09-02. 58. "NIMH » Transforming Diagnosis" (<https://www.nimh.nih.gov/about/directors/thomas-insel/blog/2013/transforming-diagnosis.shtml>). *nimh.nih.gov*. Retrieved 2019-02-25. 59. Lane, Christopher. "The NIMH Withdraws Support for DSM-5" (<http://www.psychologytoday.com/blog/side-effects/201305/the-nimh-withdraws-support-dsm-5>). *Psychology Today*.



# Senate Public Health and Welfare: DSM-5 Informational Hearing, January 2016

- ▶ “Law Enforcement officers are becoming armed social workers involved in a paradoxical environment of under-treatment and overtreatment of those individuals that are contacted in situations involving less harmful illegal substances and more harmful legal substances and that one could not develop a more irrational approach to mental health than what we have in the United States.”. Dr. Allen Frances
- ▶ Personal editorial statement- where insurance companies push for diagnosis in a seven minute interface (tele-health or not) all in the name of reimbursement. Where children now have no room for immaturity or cure but rather are subject to invasive marketing, questionable screening practices and free samples fortified by a gluttonous billion dollar antipsychotic and stimulant pharmaceutical industry feeding the largest mental health centers, jails and prisons

# Diagnostic Inflation

- ▶ Dr. Allen Frances, *Saving Normal*
- ▶ "it will medicalize normality and result in a glut of unnecessary and harmful drug prescription."<sup>[97]</sup> In a December 2, 2012 blog post in *Psychology Today*, Frances provides his "... list of DSM 5's ten most potentially harmful changes":<sup>[98]</sup>
- ▶ Disruptive Mood Dysregulation Disorder, for temper tantrums
- ▶ Major Depressive Disorder, includes normal grief
- ▶ Adult Attention Deficit Disorder, encouraging psychiatric prescriptions of stimulants
- ▶ Binge Eating Disorder, for excessive eating
- ▶ Autism, defining the disorder more specifically, possibly leading to decreased rates of diagnosis and the disruption of school services
- ▶ First time drug users will be lumped in with addicts
- ▶ Behavioral Addictions, making a "... mental disorder of everything we like to do a lot."<sup>[98]</sup>
- ▶ Generalized Anxiety Disorder, includes everyday worries
- ▶ Post-traumatic stress disorder, changes "... opened the gate even further to the already existing problem of misdiagnosis of PTSD in forensic settings."<sup>[98]</sup>
- ▶ **A note on the second amendment**
  - ▶ **Unlawful user and** those addicted to substances listed in the controlled substances act notwithstanding a Dr. order are prohibited
    - ▶ Mental Defect
      - ▶ SPMI
      - ▶ Multiple diagnosis/co-occurring



## First Quarter 2015 Kansas Medicaid Antipsychotic Prescribing

	Script Count by Prescriber							Number of prescribers	
	Unique Members	Total Script Count	Mid-level practitioner (psychiatric specialty)	Mid-level practitioner (non-psychiatric specialty)	Physician	Psychiatrist	Specialty Non-specified	1 provider	2+ providers
Adults (≥ 18 years old) on 3 or more antipsychotics (Typical & Atypical) > 60 days	176	1651	160 (9.7%)	117 (7.1%)	298 (18%)	733 (44.4%)	343 (20.8%)	97	
Children (<18 years old) on 2 or more antipsychotics (Typical & Atypical) > 60 days	451	2801	369 (13.2%)	138 (4.9%)	322 (11.5%)	1335 (47.7%)	637 (22.7%)	306	
Children (<6 years old) on at least 1 Atypical antipsychotic	284	673	105 (15.6%)	92 (13.7%)	140 (20.8%)	289 (42.9%)	47 (7%)	N/A	
Children (7-13 years old) on at least 1 Atypical antipsychotic	2152	5814	1363 (23.4%)	739 (12.7%)	1132 (19.5%)	2512 (43.2%)	68 (1.2%)	N/A	

KDHE  
KDAOS  
KDCF

# Citizen's Commission on Human Rights International: Anti-psychotics

- ▶ 27
    - ▶ Drug regulatory agency warnings cite psychiatric drug side effects of mania, psychosis, violence and homicidal ideation
  - ▶ 1,531
    - ▶ Cases of psychiatric drug induced homicide/homicidal ideation reported to the U.S. FDA
  - ▶ 65
    - ▶ High profile cases of mass shootings/murder committed by individuals under the influence of these drugs
  - ▶ 0
    - ▶ Federal investigations into the link between seemingly senseless acts of violence and the use of psychotropic drugs
- ▶ 28,000 psychiatrists to 350,000,000 citizens
    - ▶ Forbes Feb 25, 2018  
**Psychiatrist Shortage Escalates As U.S. Mental Health Needs Grow**  
Bruce Japsen Senior Contributor  
Pharma & Healthcare
      - ▶ Scope of practice
        - ▶ HB2049 Jan. 2016
        - ▶ Dr. Allen Frances

[www.cchr.org](http://www.cchr.org)

# Other Reference

- ▶ 270% increase in the number of antipsychotic prescriptions for Medicaid children in Kentucky between 2000 and 2010
  - ▶ March 2015 Governing magazine
- ▶ Kevin Keller '
  - ▶ Newsweek 10-12-17 How the VA fueled the national opioid crisis and is killing thousands of veterans
    - ▶ <https://www.newsweek.com/2017/10/20/va-fueled-opioid-crisis-killing-veterans-681552.html>
- ▶ America Is Giving Away the \$30 Billion Medical Marijuana Industry
  - ▶ Bloomberg Businessweek March 7, 2018
- ▶ FDA
  - ▶ food additives
    - ▶ Unintended consequences
    - ▶ <https://www.fda.gov/food/food-ingredients-packaging/food-additive-listings>
  - ▶ Black-box warnings

# Cautionary Reference

- ▶ The DSM in Litigation and Legislation: Journal of American Academy of Psychiatry and the Law online Feb 2011n
  - ▶ Ralph Slovenko
    - ▶ Kansas vs Hendricks
      - ▶ ...Legal definitions...which must take into account such issues as individual responsibility...and competency, need not mirror those advanced by the medical profession.
- ▶ Impact of the DSM-IV to DSM-V Changes on the National Survey on Drug use and Health
  - ▶ SAMHSA
    - ▶ Center for Behavioral Health Statistics and Quality
      - ▶ June 2016
  - ▶ Executive Summary
    - ▶ Harm
- ▶ <http://jaapl.org/content/39/1/6> Slovenko
- ▶ n *Commonwealth v. Montanez*,<sup>4</sup> the defendant offered expert testimony to show that he suffered from dissociative trance disorder (DTD) at the time he stabbed the victim. The Appeals Court of Massachusetts stated that even though DTD is not a specific diagnostic disorder in the DSM, it is a research category in the DSM and has been the subject of peer-reviewed literature. Therefore, the court ruled, the testimony was admissible. The court commented, “That the condition is not codified as a specific diagnostic category in [the DSM] does not mean that it is not a recognized disorder” (Ref. <sup>4</sup>, p 796).
- ▶ I do not support spending my tax money to enhance and broaden the use of the DSM-5 as alluded to in New Sec. 1 (c).

Thank You