

DEI Developments in Mental Health Ethics, Law and Policy

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DEI Developments in Mental Health Ethics, Law and Policy is a Bulletin published by the DEI Ethics and Legislation Workgroup of the UNC Department of Psychiatry. The articles, information, and opinions included are not the endorsements of either the DEI Ethics and Legislation Workgroup or the UNC Department of Psychiatry. The purpose of this Bulletin is to raise awareness of pressing DEI issues in mental health services and research. Please direct any comments, suggestions, future news items, or questions to daniel_moseley@med.unc.edu.

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AWARDS

PGY 2 Residents **Reginald W. Johnson II, MD** and **Enioluwafe Ojo, MD, MPH** were *both* awarded 2022 American Psychiatric Association (APA) Foundation Diversity Leadership Fellowships. Program term: July 1, 2022 – June 30, 2024. Congratulations!

<https://www.med.unc.edu/psych/congratulations-drs-johnson-and-ojo-on-this-exciting-opportunity/>

2nd Year Child Psychiatry Fellow **Gabrielle Hodgins, MD** and Professor **Tyehimba Hunt-Harrison, MD, MPH** were awarded a \$2,000 DEI Mini Grant by the UNC School of Medicine for a project to assess the benefit to psychiatric patients having access to ethnically diverse personal care products during their inpatient treatment.

LOCAL RESOURCES

GoWake Access launches a pilot program for 2022 offering free transportation throughout Northeast Wake County.

<https://www.wakegov.com/departments-government/health-human-services/programs-assistance/gowake-smartride-ne>

The new 988 National Suicide Prevention Lifeline went live on July 16, 2022.

<https://988lifeline.org/>

RECENT SPECIAL ISSUES OF JOURNALS

Health Affairs, Special Issue on **Racism and Health**, Volume 41, Number 2, February 2022

<https://www.healthaffairs.org/toc/hlthaff/41/2>

The Hastings Center Report, Special Report: “**A Critical Moment in Bioethics: Reckoning with Anti-Black Racism through Intergenerational Dialogue**”, Volume 52, Issue S1, March-April 2022 <https://onlinelibrary.wiley.com/toc/1552146x/2022/52/S1>

Journal of Health Politics, Policy and Law, Special Issue on “**Racism, Health and Politics**”, Volume 47, Issue 2, April 2022, <https://read.dukeupress.edu/jhpppl/issue/47/2>

RECENT ARTICLES OF INTEREST

“**Characteristics of Transgender Individuals With Emergency Department Visits and Hospitalizations for Mental Health**” June Lam, Alex Abramovich, et. al., *Psychiatric Services*, Volume 73, Issue 7, July 2022. <https://ps.psychiatryonline.org/doi/10.1176/appi.ps.202100306>

Transgender individuals experience significant oppression resulting in mental health disparities. Factors associated with their need for acute mental health care are unknown. This study compared characteristics of transgender individuals who presented for acute mental health care with population-based comparison samples.

“**Improving Black Mental Health: A Collective Call to Action**” Crystal Brandow and Margaret Swarbrick, *Psychiatric Services*, Volume 73, Issue 6, June 2022
<https://ps.psychiatryonline.org/doi/10.1176/appi.ps.202000894>

A constellation of factors detrimentally affects Black mental health at individual and community levels. Issues such as racism, trauma, and a lack of culturally relevant services prevent access to timely, high-quality mental health treatment. These negative experiences, exacerbated by the current impacts of the COVID-19 pandemic, contribute to the increased prevalence of mental health conditions in Black communities. The authors call for a Wellness First approach to dismantle the status quo and to mobilize collective action among individuals, providers, organizations, funders, and policy makers to create equitable opportunities that promote healing and prevent further trauma in Black communities.

Editorial Staff at *Psychiatric Services* publishes editorial, “Reporting on and Reviewing for Race/Racialization, Ethnicity and Culture, May 2022,
<https://ps.psychiatryonline.org/doi/10.1176/appi.ps.20220099>

“**Nonmedical Transdisciplinary Perspectives of Black and Racially and Ethnically Diverse Individuals About Antiracism Practices: A Qualitative Study**” Megha Shankar, et al, *JAMA Netw Open*, Volume 5, No. 2, February 2022,
<https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2788850?widget=personalizedcontent&previousarticle=2784450>

This study’s findings suggest that antiracism practices from outside the health care sector may offer innovative strategies to promote health equity by addressing personally mediated, institutional, and internalized racism in clinical care.

LAW REVIEW ARTICLES

“The Supreme Court and Racial Progress” *North Carolina Law Review* Erwin Chemerinsky, Volume 100, Number 3, March 2022

<https://scholarship.law.unc.edu/cgi/viewcontent.cgi?article=6876&context=nclr>

The Supreme Court has had a dismal record on issues of race throughout American history. The Court enforced the institution of slavery, upheld “separate but equal,” and consistently failed to deal with systemic racism and racial inequalities. The current Court is the most conservative since the mid-1930s and is unlikely to advance racial equality. Quite the contrary, it is likely to impose restrictions on what governments can do to advance racial equality. But there remains hope for positive change through other institutions, such as state constitutions, state courts, and the political process at all levels of government.

“Doing Less with More: Why the Fourth Circuit Missed Its Chance to Raise the Floor of Mental Health Care for Detained Persons”, *North Carolina Law Review*, Joshua Elmets, Volume 100, Number 4, May 2022

<https://scholarship.law.unc.edu/cgi/viewcontent.cgi?article=6887&context=nclr>

In the 2021 case *Doe 4 v. Shenandoah Valley Juvenile Detention Center Commission*, the Fourth Circuit confronted the question of how to measure the minimum level of mental health care guaranteed by the U.S. Constitution for unaccompanied alien children (“UAC”) in state custody. The plaintiffs, a certified class of UACs, argued that this question should be evaluated under the “professional judgment” standard—an approach that is more plaintiff-friendly, at least ostensibly, than the “deliberate indifference” standard applied by the district court. The Fourth Circuit Court of Appeals agreed with the plaintiffs, raising the baseline of mental health treatment for this narrow class of detainees. However, a closer look at the case reveals that the court’s holding may not be the boon to detainees’ rights as may appear at first blush.

IN THE NEWS

“Arkansas Jail’s Ivermectin Experiments Recall Historical Medical Abuse of Imprisoned Minorities” *The Guardian*, Maya Yang, Mon 14 Feb 2022.

<https://www.theguardian.com/us-news/2022/feb/14/arkansas-prison-covid-19-ivermectin-experiment-minorities-medical-abuse>

“Nation’s Leading Child Health and Welfare Groups Denounce Anti-LGBTQ+ Bills in State Legislatures” *Human Rights Campaign Press Release*, February 15, 2022

<https://www.hrc.org/press-releases/nations-leading-child-health-and-welfare-groups-denounce-anti-lgbtq-bills-in-state-legislatures>

“AAP, Texas Pediatric Society Oppose Actions in Texas Threatening Health of Transgender Youth” *American Academy of Pediatrics, News Release*, February 24, 2022.

<https://www.aap.org/en/news-room/news-releases/aap/2022/aap-texas-pediatric-society-oppose-actions-in-texas-threatening-health-of-transgender-youth/>

“Child Abuse in Texas” *The Hastings Center Bioethics Forum*, Ian Wolfe and Angela Goepferd, March 14, 2022

<https://www.thehastingscenter.org/state-anti-transgender-laws/>

“Governance, Academic Freedom and Institutional Racism in the University of North Carolina System” *American Association of University Professors*, April 2022 Report

<https://www.aaup.org/report/governance-academic-freedom-and-institutional-racism-university-north-carolina-system>

“Sheriffs Want to Turn Transport of Psych Patients Over to Mental Health Workers”, *NC Health News*, Taylor Knopf, May 23, 2022

https://www.northcarolinahealthnews.org/2022/05/23/sheriffs-want-out-of-involuntary-commitment/?utm_source=iContact&utm_medium=email&utm_campaign=north-carolina-health-news&utm_content=May+23%2C+2022

The recent SCOTUS decision reversing *Roe v Wade* will be the subject of the next issue of this Bulletin, which will be a Special Issue devoted to examining the ethical, legal and policy implications of the ruling on mental health care and services.