

*J. Lellens
ECT*

November 7, 1979

Hon. May W. Newburger
N.Y.S. Assembly
Albany, New York

Dear Ms. Newburger,

It was kind of you to remark on my award for my 25 years of research into the mode of action of convulsive therapy. I hesitate to presume on this kindness, but in the same mail, copies of legislation being considered by the Assembly Ways & Means Committee came to my attention which led to this letter. The proposed legislation ~~are~~ amendments to the mental hygiene law establishing standards for consent and disclosure for the administration of psychosurgery and convulsive therapy (Amendments to Sections 33.03).

The amendments for ECT are badly intentioned-, seeking to deprive the mentally ill of the State of this specifically effective and safe form of treatment. The regulations propose to make more difficult the task of administering treatments to voluntary ~~hospitalized~~ patients and to render almost impossible to administer the treatment to involuntary patients. The law is patterned after legislation in California, which has led to the present traffic of patients from California going to Oregon and New Mexico for treatment. This, of course, provides that only the wealthy and self-insured are able to obtain this treatment. The legislation is based on the erroneous belief that convulsive therapy is unsafe and ineffective; the contrary being true, since all evidence finds that this therapy is the most effective and the safest for endogenous depression. In our 1976 survey, 5% of admissions to University centers in New York City received this treatment (and only 1% of admissions in V.A. and State facilities; clearly evidence of some reasoned use at University settings.)

The amendment for psychosurgery is also flawed. This treatment is still an experimental one, and is at present only available in research setting where cases are reviewed by Institutional Review Boards. The legislation adds additional onerous requirements for consent, making the research even more difficult. At this time, the reports from Great Britain suggest that this therapy has a usefulness with patients with severe obsessive compulsive and phobic states. These data need verification. The legislation will serve to reduce the studies, not encourage them.

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I hope that you will have an opportunity to review these proposed laws and do what you can to prevent their adoption. If there is any question regarding ~~the~~ objections, I will be pleased to meet with you in Great Neck to discuss it further.

Thank you for your consideration.

Sincerely yours,

Max Fink, M.D.
Professor of Psychiatry

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