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THE PSYCHOLOGICAL CONCOMITANTS OF CAPITAL PUNISHMENT: THEMATIC ANALYSIS OF LAST STATEMENTS FROM DEATH ROW

Sharon R. Foley, M.B., MRCPsych and Brendan D. Kelly, M.D., MRCPsych

There is a high prevalence of mental illness among prisoners awaiting execution but a dearth of information about the psychological concomitants of imminent execution. We used an adapted version of the Thematic Guide for Suicide Prediction to study predominant themes and psychological factors in last statements made by all death row prisoners executed in Texas between April 2002 and November 2006. The most common themes were spirituality, regret and love. The psychological factors most evident were identification-egression (associated with nonsexual offending, admitting to offense and expressing love), unbearable psychological pain (associated with younger age at offense and shorter period on death row) and rejection-aggression (associated with sexual offending, spiritual references, anger and absence of regret). There is similarity in psychological factors in last statements from death row and suicide notes, suggesting a convergence of psychological concerns at the end of life, regardless of the circumstances of imminent death.

Legal Issues in Managed Psychiatric Care: The Supreme Court, ERISA, and Managed Behavioral Health Care

Marvin J. Schwarz, M.D., J.D.

The Employee Retirement Income Security Act (ERISA) has internal inconsistencies and defects which have been exploited by managed care companies for denial of benefits. ERISA conflicts with the McCarran-Ferguson Act and with state laws. In addition, ERISA lacks stated procedures for full and fair review. As a result, managed care companies assumed preemption and manipulated the health care system for their economic gain. The U.S. Supreme Court and federal appeals courts have attempted to address these issues and in doing so to protect patient rights. This article demonstrates that ERISA plans have failed to allow for state by state variations in the interpretation of health care benefit plans. Specific attention is given to key judicial decisions with potential impact on psychiatric practice and mental health care.

**Legal Issues in Managed Psychiatric Care:
Managed Behavioral Healthcare Issues
of Ambiguity and Due Process**

Marvin J. Schwarz, M.D., J.D.

Ambiguities in contract terms are considered, consistent with court decisions based on the rule of contra proferentum. The rule states that ambiguities are to be resolved against the companies drafting insurance contracts and in favor of patients and providers. Although this

occurs in all areas of medicine, cases in mental health are used to illustrate the legal principles. Due process rights are also discussed. Special attention is given to Medicaid managed care which appears to operate under color of state law.

WHAT BARROOM BRAWLS AND MARITAL DISPUTES HAVE IN COMMON

William Hogg, M.D.

A new clinical mechanism describing the escalation of anger to violence (as occurs in many relationships) is presented along with case examples. This so-called “DDA sequence” (DDA is an acronym for Disagreement through Disconfirmation to Alienation), while not evidence-based as yet, may have heuristic value. It is explained in communication terms as “runaway symmetry” or failure of the stabilizing effect of the normally built-in “parametric safety-switch function” over to one-up, one-down “complementarity.” This jargon, somewhat strange to everyday psychology, is clarified with diagrams. Possible methods of intervention and prevention are discussed. The critical relevance of the common DDA sequence to a wide spectrum of forensics, ranging from medicine to law enforcement, is demonstrated and emphasized.