



House of Representatives

General Assembly

File No. 361

January Session, 2007

Substitute House Bill No. 5508

House of Representatives, April 5, 2007

The Committee on Public Health reported through REP. SAYERS, P. of the 60th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT AUTHORIZING COMMITMENT TO A CHRONIC DISEASE HOSPITAL UNDER A PHYSICIAN'S EMERGENCY CERTIFICATE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17a-502 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) Any person who a physician concludes has psychiatric
4 disabilities and is dangerous to himself or others or gravely disabled,
5 and is in need of immediate care and treatment in a hospital for
6 psychiatric disabilities, may be confined in such a hospital, either
7 public or private, under an emergency certificate as hereinafter
8 provided for not more than fifteen days without order of any court,
9 unless a written application for commitment of such person has been
10 filed in a probate court prior to the expiration of the fifteen days, in
11 which event such commitment is continued under the emergency
12 certificate for an additional fifteen days or until the completion of
13 probate proceedings, whichever occurs first. In no event shall such
14 person be admitted to or detained at any hospital, either public or

15 private, for more than fifteen days after the execution of the original
16 emergency certificate, on the basis of a new emergency certificate
17 executed at any time during the person's confinement pursuant to the
18 original emergency certificate; and in no event shall more than one
19 subsequent emergency certificate be issued within fifteen days of the
20 execution of the original certificate. If at the expiration of the fifteen
21 days a written application for commitment of such person has not been
22 filed, such person shall be discharged from the hospital. At the time of
23 delivery of such person to such hospital, there shall be left, with the
24 person in charge thereof, a certificate, signed by a physician licensed to
25 practice medicine or surgery in Connecticut and dated not more than
26 three days prior to its delivery to the person in charge of the hospital.
27 Such certificate shall state the date of personal examination of the
28 person to be confined, which shall be not more than three days prior to
29 the date of signature of the certificate, shall state the findings of the
30 physician relative to the physical and mental condition of the person
31 and the history of the case, if known, and shall state that it is the
32 opinion of the physician that the person examined has psychiatric
33 disabilities and is dangerous to himself or herself or others or gravely
34 disabled and is in need of immediate care and treatment in a hospital
35 for psychiatric disabilities. Such physician shall state on such certificate
36 the reasons for his or her opinion.

37 (b) Any person admitted and detained under this section shall be
38 examined by a physician specializing in psychiatry [~~within~~] not later
39 than forty-eight hours [~~of~~] after admission as provided in section 17a-
40 545, except that any person admitted and detained under this section
41 at a chronic disease hospital shall be so examined not later than
42 twenty-four hours after admission. If such physician is of the opinion
43 that the person does not meet the criteria for emergency detention and
44 treatment, such person shall be immediately discharged. The physician
45 shall enter [~~his~~] the physician's findings in the patient's record.

46 (c) Any person admitted and detained under this section shall be
47 promptly informed by the admitting facility that such person has the
48 right to consult an attorney, the right to a hearing under subsection (d)

49 of this section, and that if such a hearing is requested or a probate
50 application is filed, such person has the right to be represented by
51 counsel, and that counsel will be provided at the state's expense if the
52 person is unable to pay for such counsel. The reasonable compensation
53 for counsel provided to persons unable to pay shall be established by,
54 and paid from funds appropriated to, the Judicial Department,
55 however, if funds have not been included in the budget of the Judicial
56 Department for such purposes, such compensation shall be established
57 by the Probate Court Administrator and paid from the Probate Court
58 Administration Fund.

59 (d) If any person detained under this section, or his or her
60 representative, requests a hearing, in writing, such hearing shall be
61 held within seventy-two hours of receipt of such request, excluding
62 Saturdays, Sundays and holidays. At such hearing, the person shall
63 have the right to be present, to cross-examine all witnesses testifying,
64 and to be represented by counsel as provided in section 17a-498. The
65 hearing may be requested at any time prior to the initiation of
66 proceedings under section 17a-498. The hearing shall be held by the
67 court of probate having jurisdiction for commitment as provided in
68 section 17a-497, and the hospital shall immediately notify such court of
69 any request for a hearing by a person detained under this section. At
70 the conclusion of the hearing, if the court finds that there is probable
71 cause to conclude that the person is subject to involuntary confinement
72 under this section, considering the condition of the respondent at the
73 time of the admission and at the time of the hearing, and the effects of
74 medication, if any, and the advisability of continued treatment based
75 on testimony from the hospital staff, the court shall order that such
76 person's detention continue for the remaining time provided for
77 emergency certificates or until the completion of probate proceedings
78 under section 17a-498.

79 (e) The person in charge of every private hospital for psychiatric
80 disabilities in the state shall, on a quarterly basis, supply the
81 Commissioner of Mental Health and Addiction Services, in writing
82 with statistics [which] that state for the preceding quarter, the number

83 of admissions of type and the number of discharges for that facility.
84 Said commissioner may adopt regulations to carry out the provisions
85 of this subsection.

86 (f) The superintendent or director of any hospital for psychiatric
87 disabilities shall immediately discharge any patient admitted and
88 detained under this section who is later found not to meet the
89 standards for emergency detention and treatment.

90 (g) Any person admitted and detained at any hospital for
91 psychiatric disabilities under this section shall, upon admission to such
92 hospital, furnish the name of his or her next of kin or close friend. The
93 superintendent or director of such hospital shall notify such next of kin
94 or close friend of the admission of such patient and the discharge of
95 such patient, provided such patient consents, in writing, to such
96 notification of his or her discharge.

97 (h) No person, who a physician concludes has active suicidal or
98 homicidal intent, may be admitted to or detained at a chronic disease
99 hospital under an emergency certificate issued pursuant to this section.

100 (i) For purposes of this section, "hospital" includes a licensed chronic
101 disease hospital with a separate psychiatric unit.

102 Sec. 2. Section 19a-253 of the general statutes is repealed and the
103 following is substituted in lieu thereof (*Effective October 1, 2007*):

104 [On] Except as provided in section 17a-502, as amended by this act,
105 on and after October 1, 2005, no patient shall be admitted to a chronic
106 disease hospital, unless the medical director of the hospital determines
107 that the hospital and its medical staff are capable of providing
108 adequate care and treatment to the patient, consistent with the
109 hospital's by-laws. In making such determination, the medical director
110 shall have access to the patient's medical records and may examine the
111 patient.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	17a-502
Sec. 2	<i>October 1, 2007</i>	19a-253

PH *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill allows chronic disease hospitals with separate psychiatric units to admit patients with pending psychiatric emergency certificates. This change is not expected to have a fiscal impact for the state.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 5508*****AN ACT AUTHORIZING COMMITMENT TO A CHRONIC DISEASE HOSPITAL UNDER A PHYSICIAN'S EMERGENCY CERTIFICATE.*****SUMMARY:**

This bill permits a physician to place a person for psychiatric treatment in a chronic disease hospital under a 15-day emergency certificate if the hospital has a separate psychiatric unit. It permits a patient's admission in this situation regardless of the law that requires the hospital's medical director to determine that the hospital and its staff can adequately care for and treat the patient. But it prohibits a person from being placed in such a hospital if the placing physician believes the person has active suicidal or homicidal intent.

Current law permits physicians to confine people under 15-day emergency certificates only in a "hospital for persons with psychiatric disabilities," that is any public or private hospital that accepts psychiatric patients. As under current law, before placing someone in a chronic disease hospital a physician must find the person to (1) have psychiatric disabilities, (2) be a danger to himself or others or gravely disabled (i.e., in danger of serious harm because the person cannot care for his or her own basic needs), and (3) be in need of immediate care and treatment in a hospital.

The bill requires a psychiatrist to examine anyone admitted to a chronic disease hospital under a 15-day certificate within 24 hours of admission. The law requires such an examination within 48 hours for people admitted to an acute care or psychiatric hospital under a certificate.

EFFECTIVE DATE: October 1, 2007

BACKGROUND

Chronic Disease Hospitals

A chronic disease hospital is a long-term hospital that has facilities, medical staff, and all necessary personnel to diagnose, care for, and treat chronic diseases (CGS § 19a-535b(a)). The Department of Public Health currently licenses five chronic disease hospitals: Gaylord Hospital, Hospital for Special Care, the state Veterans' Home and Hospital, Hebrew Home and Hospital, and Mt. Sinai Rehabilitation Hospital.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 28 Nay 0 (03/19/2007)