

Testimony of Bram Alex Laschever  
Judiciary Committee  
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I am an advocate at a Mental Health Facility. I have a BA and a JD Degree. This issue is an important one for me.

Extending the time of a Physicians Emergency Certificate is clearly a constitutional rights violation which needs to be addressed here today.

It is important that we stick to the least restrictive means of treatment, favoring voluntary treatment. Tacking on those extra 15 days to an already mandatory hospitalization voids the clause where a physician must initially diagnose whether a patient poses a clear and present danger which is to be documented by the physician.

The 72 hour confinement which now exists in the State provides adequate time for the staff of a facility to determine whether more time is necessary . Assuming another 12 days or 27 days is necessary is ridiculous and a massive rights violation of the patient. The amount of time should be flexible, as determined by circumstances and the doctors who are on call or if necessary, a Probate Court Judge. Assuming anyone needs to be confined for more than 72 hours is ridiculous , as well as unconstitutional and immoral . In other states it is necessary for the facility to extend treatment based on the finding of need for continuing involuntary treatment as shown by conduct , provided that continued treatment is in the best interest of the patient. This of course may need to be overwritten by Court Order.

The next issue here has to do with Courts having ruled that due process does require a right to demand a jury trial in a commitment for mental illness. Extended Physician certificate clearly also violates this statute.

A hearing should be done with the patient present, with an advocate and / or attorney at his side. A person shall not be deprived of life, liberty, or property without due process of law or denied equal protection of the laws.