



General Assembly

January Session, 2007

**Committee Bill No. 5508**

LCO No. 5213

\*05213HB05508PH\_\*

Referred to Committee on Public Health

Introduced by:  
(PH)

**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 Section 17a-502 of the general statutes is repealed and the  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 and at least once each six months  
43 thereafter. If such physician is of the opinion that the person does not  
44 meet the criteria for emergency detention and treatment, such person  
45 shall be immediately discharged. The physician shall enter [his] the  
46 physician's findings in the patient's record.

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

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

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

80 (e) The person in charge of every private hospital for psychiatric  
81 disabilities in the state shall, on a quarterly basis, supply the  
82 Commissioner of Mental Health and Addiction Services, in writing

83 with statistics [which] that state for the preceding quarter, the number  
84 of admissions of type and the number of discharges for that facility.  
85 Said commissioner may adopt regulations to carry out the provisions  
86 of this subsection.

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

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

98 (h) For purposes of this section, "hospital" includes a licensed  
99 chronic disease hospital with a separate psychiatric unit.

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

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

This act shall take effect as follows and shall amend the following sections:

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Section 1	<i>October 1, 2007</i>	17a-502
Sec. 2	<i>October 1, 2007</i>	19a-253

**Statement of Purpose:**

To allow licensed chronic disease hospitals with separate psychiatric units to admit patients with pending psychiatric emergency certificates.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*

Co-Sponsors: REP. SAYERS, 60th Dist.

H.B. 5508