



General Assembly

January Session, 2007

Committee Bill No. 5675

LCO No. 6221

06221HB05675JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING THE DURATION OF PSYCHIATRIC EVALUATIONS.

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 Section 17a-502 of the general statutes is repealed and the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 herself or others or is
5 gravely disabled, and is in need of immediate care and treatment in a
6 hospital for psychiatric disabilities, may be confined in such a hospital,
7 either public or private, under an emergency certificate as [hereinafter]
8 provided in this section for not more than fifteen days without order of
9 any court, unless a written application for commitment of such person
10 has been filed in a probate court prior to the expiration of the fifteen
11 days, in which event such commitment [is] shall be continued under
12 the emergency certificate for an additional [fifteen] thirty days or until
13 the completion of probate proceedings, whichever occurs first. In no
14 event shall such person be admitted to or detained at any hospital,
15 either public or private, for more than fifteen days after the execution
16 of the original emergency certificate [,] on the basis of a new

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

39 (b) Any person admitted and detained under this section shall be
40 examined by a physician specializing in psychiatry within forty-eight
41 hours of admission as provided in section 17a-545. If such physician is
42 of the opinion that the person does not meet the criteria for emergency
43 detention and treatment, such person shall be immediately discharged.
44 The physician shall enter [his] the physician's findings in the patient's
45 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,] except that if funds have not been included in the budget of
56 the Judicial Department for such purposes, such compensation shall be
57 established by the Probate Court Administrator and paid from the
58 Probate Court Administration Fund.

59 (d) If any person detained under this section, or [his or her] the
60 person's representative, requests a hearing in writing, such hearing
61 shall be held within seventy-two hours of receipt of such request,
62 excluding Saturdays, Sundays and holidays. At such hearing, the
63 person shall have the right to be present, to cross-examine all witnesses
64 testifying, and to be represented by counsel as provided in section 17a-
65 498. The 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 under
77 the applicable emergency certificates or until the completion of probate
78 proceedings under section 17a-498, whichever occurs first.

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

83 admissions of type and the number of discharges for that facility. Said
84 commissioner may adopt regulations, in accordance with chapter 54,
85 to carry out the provisions 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.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2007	17a-502

Statement of Purpose:

To extend the maximum duration of an individual's psychiatric commitment under a continuation of an emergency certificate from not more than fifteen days to not more than thirty days in order to address the needs of individuals repeatedly committed for psychiatric evaluation.

[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. ORANGE, 48th Dist.

H.B. 5675