



General Assembly

January Session, 2007

Raised Bill No. 1066

LCO No. 3647

* SB01066PH_JUD030607 *

Referred to Committee on Public Health

Introduced by:
(PH)

**AN ACT CONCERNING THE DEPARTMENT OF MENTAL HEALTH
AND ADDICTION SERVICES.**

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

1 Section 1. Section 4a-17 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 In any action or proceeding in any court to which any person
4 confined by order of any court, or as provided by section 17a-502 or
5 17a-506 in any institution for [the mentally ill or mentally deficient]
6 persons with psychiatric disabilities in this state is a party or which
7 affects or relates to the property rights of any such person, a copy of all
8 process, notices and documents required to be served upon such
9 confined person either personally or at [his] such confined person's
10 abode or by mail shall be sent by registered or certified mail to such
11 confined person at the institution where such person is confined and to
12 the Commissioner of Administrative Services at Hartford, another
13 copy thereof shall be so mailed to the superintendent of the institution
14 where such person is confined or left with [him or his] the
15 superintendent or the superintendent's representative at his or her
16 office, and another copy thereof so served upon the superintendent of

17 such institution or [his] the superintendent's representative, for such
 18 confined person, which shall be equivalent to and constitute service
 19 thereof at the usual place of abode of such confined person whether he
 20 or she then has another usual place of abode or not; and as soon
 21 thereafter as practical and reasonable, such superintendent or [his]
 22 such superintendent's representative shall deliver such copy to such
 23 confined person. Whenever service or notice is required by publication
 24 only, two copies thereof shall be sent to the superintendent of the
 25 institution by registered or certified mail, and one copy shall also be so
 26 mailed to the Commissioner of Administrative Services at Hartford;
 27 and such superintendent or [his] such superintendent's representative
 28 shall deliver one copy thereof to the confined person as soon as
 29 practical and reasonable. No action or proceeding shall abate because
 30 of any failure to comply with the provisions of this section, but the
 31 court before whom any such action or proceeding is pending shall,
 32 upon finding noncompliance with any of said provisions, order
 33 immediate compliance [therewith] with said provisions.

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

36 (a) There shall be a Department of Children and Families which
 37 shall be a single budgeted agency consisting of the institutions,
 38 facilities and programs [now] existing within the department, any
 39 programs and facilities transferred to the department, and such other
 40 institutions, facilities and programs as may hereafter be established by
 41 or transferred to the department by the General Assembly.

42 (b) Said department shall constitute a successor department to the
 43 Department of Children and Youth Services, for the purposes of
 44 sections 2c-2b, 4-5, 4-38c, 4-60i, 4-77a, 4-165b, 4a-11b, 4a-12, 4a-16, 5-
 45 259, 7-127c, 8-206d, 10-8a, 10-15d, 10-76d, 10-76h, 10-76i, 10-76w, 10-
 46 76g, 10-94g, 10-253, 17-86a, 17-294, 17-409, 17-437, 17-572, 17-578, 17-
 47 579, 17-585, 17a-1 to 17a-89, inclusive, 17a-90 to 17a-209, inclusive, 17a-
 48 218, 17a-277, 17a-450, 17a-458, [17a-463,] 17a-474, 17a-560, 17a-511, 17a-
 49 634, 17a-646, 17a-659, 18-69, 18-69a, 18-87, 19a-78, 19a-125, 19a-216, 20-

50 14i, 20-14j, 31-23, 31-306a, 38a-514, 45a-591 to 45a-705, inclusive, 45a-
51 706 to 45a-770, inclusive, 46a-28, 46a-126, 46b-15 to 46b-19, inclusive,
52 46b-120 to 46b-159, inclusive, 54-56d, 54-142k, 54-199, 54-203 and in
53 accordance with the provisions of sections 4-38d and 4-39.

54 (c) Whenever the words "Commissioner of Children and Youth
55 Services", "Department of Children and Youth Services", or "Council
56 on Children and Youth Services" are used in sections 2c-2b, 4-5, 4-38c,
57 4-60i, 4-77a, 4-165b, 4a-11b, 4a-12, 4a-16, 5-259, 7-127c, 8-206d, 10-8a,
58 10-15d, 10-76d, 10-76h, 10-76i, 10-76w, 10-94g, 10-253, 17-86a, 17-294,
59 17-409, 17-437, 17-572, 17-578, 17-579, 17-585, 17a-1 to 17a-89, inclusive,
60 17a-90 to 17a-209, inclusive, 17a-218, 17a-277, 17a-450, 17a-458, [17a-
61 463,] 17a-474, 17a-511, 17a-634, 17a-646, 17a-659, 18-69, 18-69a, 18-87,
62 19a-78, 19a-125, 19a-216, 20-14i, 20-14j, 31-23, 31-306a, 38a-514, 45a-591
63 to 45a-705, inclusive, 45a-706 to 45a-770, inclusive, 46a-28, 46a-126, 46b-
64 15 to 46b-19, inclusive, 46b-120 to 46b-159, inclusive, 54-56d, 54-142k,
65 54-199, 54-203, the words "Commissioner of Children and Families",
66 "Department of Children and Families", and "Council on Children and
67 Families" shall be substituted respectively in lieu thereof.

68 Sec. 3. Subsection (b) of section 17a-450 of the general statutes is
69 repealed and the following is substituted in lieu thereof (*Effective*
70 *October 1, 2007*):

71 (b) For the purposes of chapter 50, the Department of Mental Health
72 and Addiction Services shall be organized to promote comprehensive,
73 client-based services in the areas of mental health treatment and
74 substance abuse treatment and to ensure the programmatic integrity
75 and clinical identity of services in each area. The department shall
76 perform the functions of: Centralized administration, planning and
77 program development; prevention and treatment programs and
78 facilities, both inpatient and outpatient, for persons with psychiatric
79 disabilities or persons with substance [abuse disabilities] use disorders,
80 or both; community mental health centers and community or regional
81 programs and facilities providing services for persons with psychiatric
82 disabilities or persons with substance [abuse disabilities] use disorders,

83 or both; training and education; and research and evaluation of
84 programs and facilities providing services for persons with psychiatric
85 disabilities or persons with substance [abuse disabilities] use disorders,
86 or both. The department shall include, but not be limited to, the
87 following divisions and facilities or their successor facilities: The office
88 of the Commissioner of Mental Health and Addiction Services; Capitol
89 Region Mental Health Center; Connecticut Valley Hospital, including
90 the Acute Care Division of Connecticut Valley Hospital; the
91 Connecticut Mental Health Center; the Whiting Forensic Division;
92 Ribicoff Research Center; the Southwest Connecticut Mental Health
93 System, including the Franklin S. DuBois Center and the Greater
94 Bridgeport Community Mental Health Center; the Southeastern
95 Mental Health Authority; River Valley Services; the Western
96 Connecticut Mental Health Network; and any other state-operated
97 facility for the treatment of persons with psychiatric disabilities or
98 persons with substance [abuse disabilities] use disorders, or both, but
99 shall not include those portions of such facilities transferred to the
100 Department of Children and Families for the purpose of consolidation
101 of children's services.

102 Sec. 4. Subsection (a) of section 17a-450a of the general statutes is
103 repealed and the following is substituted in lieu thereof (*Effective*
104 *October 1, 2007*):

105 (a) The Department of Mental Health and Addiction Services shall
106 constitute a successor department to the Department of Mental Health.
107 Whenever the words "Commissioner of Mental Health" are used or
108 referred to in the following general statutes, the words "Commissioner
109 of Mental Health and Addiction Services" shall be substituted in lieu
110 thereof and whenever the words "Department of Mental Health" are
111 used or referred to in the following general statutes, the words
112 "Department of Mental Health and Addiction Services" shall be
113 substituted in lieu thereof: 2c-2b, 4-5, 4-38c, 4-60i, 4-77a, 4a-12, 4a-16, 5-
114 142, 8-206d, 10-19, 10-71, 10-76d, 17a-14, 17a-26, 17a-31, 17a-33, 17a-218,
115 17a-246, 17a-450, 17a-451, 17a-452, 17a-453, 17a-454, 17a-455, 17a-456,

116 17a-457, 17a-458, 17a-459, 17a-460, [17a-463,] 17a-464, 17a-465, 17a-466,
117 17a-467, 17a-468, 17a-470, 17a-471, 17a-472, 17a-473, 17a-474, 17a-476,
118 17a-478, 17a-479, 17a-480, 17a-481, 17a-482, 17a-483, 17a-484, 17a-498,
119 17a-499, 17a-502, 17a-506, 17a-510, 17a-511, 17a-512, 17a-513, 17a-519,
120 17a-528, 17a-560, 17a-561, 17a-562, 17a-565, 17a-576, 17a-581, 17a-582,
121 17a-675, 17b-28, 17b-222, 17b-223, 17b-225, 17b-359, 17b-420, 17b-694,
122 19a-82, 19a-495, 19a-498, 19a-507a, 19a-507c, 19a-576, 19a-583, 20-14i,
123 20-14j, 21a-240, 21a-301, 27-122a, 31-222, 38a-514, 46a-28, 51-51o, 52-
124 146h and 54-56d.

125 Sec. 5. Subsection (c) of section 17a-451 of the general statutes is
126 repealed and the following is substituted in lieu thereof (*Effective*
127 *October 1, 2007*):

128 (c) The commissioner shall prepare and issue regulations for the
129 administration and operation of the Department of Mental Health and
130 Addiction Services, and all state-operated facilities and community
131 programs providing care for persons with psychiatric disabilities or
132 persons with substance [abuse disabilities] use disorders, or both.

133 Sec. 6. Subsection (d) of section 17a-451 of the general statutes is
134 repealed and the following is substituted in lieu thereof (*Effective*
135 *October 1, 2007*):

136 (d) The commissioner shall coordinate the community programs
137 receiving state funds with programs of state-operated facilities for the
138 treatment of persons with psychiatric disabilities or persons with
139 substance [abuse disabilities] use disorders, or both.

140 Sec. 7. Subsection (e) of section 17a-451 of the general statutes is
141 repealed and the following is substituted in lieu thereof (*Effective*
142 *October 1, 2007*):

143 (e) The commissioner shall collaborate and cooperate with other
144 state agencies providing services for mentally disordered children and
145 adults with psychiatric disabilities or persons with substance [abuse
146 disabilities] use disorders, or persons with both disabilities, and shall

147 coordinate the activities of the Department of Mental Health and
148 Addiction Services with the activities of said agencies.

149 Sec. 8. Subsection (f) of section 17a-451 of the general statutes is
150 repealed and the following is substituted in lieu thereof (*Effective*
151 *October 1, 2007*):

152 (f) (1) The commissioner shall establish and enforce standards and
153 policies for the care and treatment of persons with psychiatric
154 disabilities or persons with substance [abuse disabilities] use disorders,
155 or both, in public and private facilities [which] that are consistent with
156 other health care standards and may make any inquiry, investigation
157 or examination of records of such facilities as may be necessary for the
158 purpose of investigating the occurrence of any serious injury or
159 unexpected death involving any person who has within one year of
160 such occurrence received services for the care and treatment of such
161 disabilities from a state-operated facility or a community program
162 receiving state funds. (2) The findings of any such inquiry,
163 investigation or examination of records conducted pursuant to this
164 subsection shall not be subject to disclosure pursuant to section 1-210,
165 nor shall such findings be subject to discovery or introduction into
166 evidence in any civil action arising out of such serious injury or
167 unexpected death. (3) Except as to the finding provided in subdivision
168 (2) of this subsection, nothing in this subsection shall be construed as
169 restricting disclosure of the confidential communications or records
170 upon which such findings are based, where such disclosure is
171 otherwise provided for by law.

172 Sec. 9. Subsection (i) of section 17a-451 of the general statutes is
173 repealed and the following is substituted in lieu thereof (*Effective*
174 *October 1, 2007*):

175 (i) The commissioner shall be responsible for the coordination of all
176 activities in the state relating to substance [abuse disabilities] use
177 disorders and treatment, including activities of the Departments of
178 Children and Families, Correction, Public Health, Social Services and

179 Veterans' Affairs, the judicial branch and any other department or
180 entity providing services to persons with substance [abuse disabilities]
181 use disorders.

182 Sec. 10. Section 17a-451a of the general statutes is repealed and the
183 following is substituted in lieu thereof (*Effective October 1, 2007*):

184 The Commissioner of Mental Health and Addiction Services shall
185 develop a plan for the closure of the state-operated programs at
186 Fairfield Hills Hospital and at Norwich Hospital and the consolidation
187 of the programs at Connecticut Valley Hospital. The plan shall
188 accommodate the present on-site operation of the private providers
189 currently providing [substance abuse] services to persons with
190 substance use disorders on the Fairfield Hills and Norwich Hospital
191 campuses and shall assist in the coordination of finding locations
192 within the area for such services. The plan shall make provisions for
193 the availability of state-operated in-patient services for persons with
194 substance [abuse disabilities] use disorders in the geographic areas
195 formerly served by the Fairfield Hills Hospital and the Norwich
196 Hospital. The commissioner shall submit monthly reports on the
197 development and implementation of the plan developed under
198 subsection (a) of this section to the committees of the General
199 Assembly having cognizance of matters relating to public health and
200 appropriations.

201 Sec. 11. Subsection (e) of section 17a-457 of the general statutes is
202 repealed and the following is substituted in lieu thereof (*Effective*
203 *October 1, 2007*):

204 (e) Members of the board may examine the files and records of the
205 central office of the Department of Mental Health and Addiction
206 Services at any time and, upon reasonable notice, of state-operated
207 facilities for the treatment of persons with psychiatric disabilities or
208 substance [abuse disabilities] use disorders.

209 Sec. 12. Subsection (b) of section 17a-458 of the general statutes is

210 repealed and the following is substituted in lieu thereof (*Effective*
211 *October 1, 2007*):

212 (b) "Persons with substance [abuse disabilities] use disorders"
213 means alcohol dependent persons, as that term is defined in
214 subdivision (1) of section 17a-680, or drug dependent persons, as that
215 term is defined in subdivision (7) of section 17a-680.

216 Sec. 13. Subsection (c) of section 17a-458 of the general statutes is
217 repealed and the following is substituted in lieu thereof (*Effective*
218 *October 1, 2007*):

219 (c) "State-operated facilities" means those hospitals or other facilities
220 providing treatment for persons with psychiatric disabilities or for
221 persons with substance [abuse disabilities] use disorders, or both,
222 which are operated in whole or in part by the Department of Mental
223 Health and Addiction Services. Such facilities include, but are not
224 limited to, Capitol Region Mental Health Center, Connecticut Valley
225 Hospital, including the Acute Care Division of Connecticut Valley
226 Hospital, [Norwich Hospital, Fairfield Hills Hospital,] the Connecticut
227 Mental Health Center, the Franklin S. DuBois Center, the Greater
228 Bridgeport Community Mental Health Center and [Dutcher Treatment
229 Center] River Valley Services.

230 Sec. 14. Section 17a-459 of the general statutes is repealed and the
231 following is substituted in lieu thereof (*Effective October 1, 2007*):

232 The Connecticut Mental Health Center shall be a facility of the
233 Department of Mental Health and Addiction Services and shall include
234 the Connecticut Mental Health Center in New Haven and such satellite
235 locations as the department may approve. The department shall
236 operate the center in collaboration with Yale University under mutual
237 agreement of the parties. The department may provide treatment at
238 the center to adults, children or youths with psychiatric disabilities,
239 substance [abuse disabilities] use disorders or both such disabilities.
240 Admissions shall be within the control of the Commissioner of Mental

241 Health and Addiction Services and no court may commit or transfer
242 any person to or place or confine any person in the center without the
243 approval of the commissioner or the commissioner's designee.

244 Sec. 15. Section 17a-470 of the general statutes is repealed and the
245 following is substituted in lieu thereof (*Effective October 1, 2007*):

246 Each state hospital, state-operated facility or the Whiting Forensic
247 Division of the Connecticut Valley Hospital for the treatment of
248 persons with psychiatric disabilities or persons with substance [abuse
249 disabilities] use disorders, or both, except the Connecticut Mental
250 Health Center, may have an advisory board appointed by the
251 superintendent or director of the facility for terms to be decided by
252 such superintendent or director. In any case where the present number
253 of members of an advisory board is less than the number of members
254 designated by the superintendent or director of the facility, he shall
255 appoint additional members to such board in accordance with this
256 section in such manner that the terms of an approximately equal
257 number of members shall expire in each odd-numbered year. The
258 superintendent or director shall fill any vacancy that may occur for the
259 unexpired portion of any term. No member may serve more than two
260 successive terms plus the balance of any unexpired term to which he
261 had been appointed. The superintendent or director of the facility shall
262 be an ex-officio member of the advisory board. Each member of an
263 advisory board of a state-operated facility within the Department of
264 Mental Health and Addiction Services assigned a geographical
265 territory shall be a resident of the assigned geographical territory.
266 Members of said advisory boards shall receive no compensation for
267 their services but shall be reimbursed for necessary expenses involved
268 in the performance of their duties. At least one-third of such members
269 shall be from a substance abuse subregional planning and action
270 council established pursuant to section 17a-671, and at least one-third
271 shall be members of the catchment area councils, as provided in
272 section 17a-483, for the catchment areas served by such facility, except
273 that members serving as of October 1, 1977, shall serve out their terms.

274 Sec. 16. Subsection (b) of section 17a-473 of the general statutes is
275 repealed and the following is substituted in lieu thereof (*Effective*
276 *October 1, 2007*):

277 (b) Subject to the standards established by the Commissioner of
278 Mental Health and Addiction Services for the operation of
279 state-operated facilities constituting the Department of Mental Health
280 and Addiction Services for the treatment of persons with psychiatric
281 disabilities or persons with substance [abuse disabilities] use disorders,
282 or both, each superintendent or director of such a facility shall be in
283 charge of its day-to-day operations.

284 Sec. 17. Subsection (a) of section 17b-28 of the general statutes is
285 repealed and the following is substituted in lieu thereof (*Effective*
286 *October 1, 2007*):

287 (a) There is established a council which shall advise the
288 Commissioner of Social Services on the planning and implementation
289 of a system of Medicaid managed care and shall monitor such
290 planning and implementation and shall advise the Waiver Application
291 Development Council, established pursuant to section 17b-28a, on
292 matters including, but not limited to, eligibility standards, benefits,
293 access and quality assurance. The council shall be composed of the
294 chairpersons and ranking members of the joint standing committees of
295 the General Assembly having cognizance of matters relating to human
296 services, public health and appropriations and the budgets of state
297 agencies, or their designees; two members of the General Assembly,
298 one to be appointed by the president pro tempore of the Senate and
299 one to be appointed by the speaker of the House of Representatives;
300 the director of the Commission on Aging, or a designee; the director of
301 the Commission on Children, or a designee; two community providers
302 of health care, to be appointed by the president pro tempore of the
303 Senate; two representatives of the insurance industry, to be appointed
304 by the speaker of the House of Representatives; two advocates for
305 persons receiving Medicaid, one to be appointed by the majority leader
306 of the Senate and one to be appointed by the minority leader of the

307 Senate; one advocate for persons with substance [abuse disabilities]
308 use disorders, to be appointed by the majority leader of the House of
309 Representatives; one advocate for persons with psychiatric disabilities,
310 to be appointed by the minority leader of the House of
311 Representatives; two advocates for the Department of Children and
312 Families foster families, one to be appointed by the president pro
313 tempore of the Senate and one to be appointed by the speaker of the
314 House of Representatives; two members of the public who are
315 currently recipients of Medicaid, one to be appointed by the majority
316 leader of the House of Representatives and one to be appointed by the
317 minority leader of the House of Representatives; two representatives
318 of the Department of Social Services, to be appointed by the
319 Commissioner of Social Services; two representatives of the
320 Department of Public Health, to be appointed by the Commissioner of
321 Public Health; two representatives of the Department of Mental Health
322 and Addiction Services, to be appointed by the Commissioner of
323 Mental Health and Addiction Services; two representatives of the
324 Department of Children and Families, to be appointed by the
325 Commissioner of Children and Families; two representatives of the
326 Office of Policy and Management, to be appointed by the Secretary of
327 the Office of Policy and Management; one representative of the office
328 of the State Comptroller, to be appointed by the State Comptroller and
329 the members of the Health Care Access Board who shall be ex-officio
330 members and who may not designate persons to serve in their place.
331 The council shall choose a chair from among its members. The joint
332 committee on Legislative Management shall provide administrative
333 support to such chair. The council shall convene its first meeting no
334 later than June 1, 1994.

335 Sec. 18. Subsection (a) of section 54-56i of the general statutes is
336 repealed and the following is substituted in lieu thereof (*Effective*
337 *October 1, 2007*):

338 (a) Not later than January 1, 1998, [but in no event sooner than the
339 establishment of the pilot research drug education program under

340 section 17a-715,] the Department of Mental Health and Addiction
 341 Services shall establish a pretrial drug education program for persons
 342 charged with a violation of section 21a-267 or 21a-279.

343 Sec. 19. (NEW) (*Effective October 1, 2007*) If the term "substance abuse
 344 disabilities" is used or referred to in any public or special act of 2007 or
 345 2008, or in any section of the general statutes that is amended in 2007
 346 or 2008, it shall be deemed to refer to substance use disorders.

347 Sec. 20. (NEW) (*Effective October 1, 2007*) Notwithstanding any
 348 provision of title 46 of the general statutes or regulations adopted
 349 under said title, the Department of Mental Health and Addiction
 350 Services shall develop a single, comprehensive affirmative action plan
 351 that covers each facility, division and the central office of said
 352 department.

353 Sec. 21. Sections 17a-451a, 17a-463, 17a-471b, 17a-471c, 17a-711, 17a-
 354 715 of the general statutes and section 21 of public act 91-11 of the June
 355 special session are repealed. (*Effective October 1, 2007*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	4a-17
Sec. 2	<i>October 1, 2007</i>	17a-2
Sec. 3	<i>October 1, 2007</i>	17a-450(b)
Sec. 4	<i>October 1, 2007</i>	17a-450a(a)
Sec. 5	<i>October 1, 2007</i>	17a-451(c)
Sec. 6	<i>October 1, 2007</i>	17a-451(d)
Sec. 7	<i>October 1, 2007</i>	17a-451(e)
Sec. 8	<i>October 1, 2007</i>	17a-451(f)
Sec. 9	<i>October 1, 2007</i>	17a-451(i)
Sec. 10	<i>October 1, 2007</i>	17a-451a
Sec. 11	<i>October 1, 2007</i>	17a-457(e)
Sec. 12	<i>October 1, 2007</i>	17a-458(b)
Sec. 13	<i>October 1, 2007</i>	17a-458(c)
Sec. 14	<i>October 1, 2007</i>	17a-459
Sec. 15	<i>October 1, 2007</i>	17a-470

Sec. 16	<i>October 1, 2007</i>	17a-473(b)
Sec. 17	<i>October 1, 2007</i>	17b-28(a)
Sec. 18	<i>October 1, 2007</i>	54-56i(a)
Sec. 19	<i>October 1, 2007</i>	New section
Sec. 20	<i>October 1, 2007</i>	New section
Sec. 21	<i>October 1, 2007</i>	Repealer section

PH

Joint Favorable C/R

JUD