



General Assembly

January Session, 2007

Raised Bill No. 1068

LCO No. 3607

03607_____PH_

Referred to Committee on Public Health

Introduced by:
(PH)

AN ACT CONCERNING PATIENT RIGHTS AT WHITING FORENSIC DIVISION.

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

1 Section 1. Section 17a-548 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) Any patient shall be permitted to wear his or her own clothes; to
4 keep and use personal possessions including toilet articles; except for
5 patients hospitalized in Whiting Forensic Division; to be present
6 during any search of his personal possessions; to have access to
7 individual storage space for such possessions; and in such manner as
8 determined by the facility to spend a reasonable sum of his or her own
9 money for canteen expenses and small purchases. [These] Except as
10 provided in this subsection, such rights shall be denied only if the
11 superintendent, director, or [his] an authorized representative
12 determines that it is medically harmful to the patient to exercise such
13 rights. An explanation of such denial shall be placed in the patient's
14 permanent clinical record. The director of Whiting Forensic Division
15 may establish a policy for the maximum security section of the
16 Whiting Forensic Division that limits the rights set forth in this

17 subsection to the extent said director deems it necessary in order to
18 control contraband, maintain maximum security conditions or protect
19 the safety and security of patients, staff and visitors, provided such
20 policy is approved by the medical director of the Department of
21 Mental Health and Addiction Services and the director of forensic
22 services.

23 (b) In connection with any litigation related to hospitalization, or at
24 any time following discharge from the facility, any patient or his or her
25 attorney shall have the right, upon written request, to inspect all of
26 such patient's hospital records, and to make copies [thereof] of such
27 records. Unless the request is made in connection with any litigation
28 related to hospitalization, a mental health facility, as defined in
29 subdivision (5) of section 52-146d, may refuse to disclose any portion
30 of a patient's record [which] that the mental health facility determines:
31 (1) Would create a substantial risk that the patient would inflict life-
32 threatening injury to self or to others or experience a severe
33 deterioration in mental state; (2) would constitute an invasion of
34 privacy of another person; or (3) would violate an assurance of
35 confidentiality furnished to another person, provided only such
36 portion of the record the disclosure of which would not constitute an
37 invasion of privacy of another person or violate an assurance of
38 confidentiality furnished to another person shall be disclosed. Any
39 patient aggrieved by a facility's refusal to disclose under this
40 subsection may petition the Superior Court for relief in the same
41 manner as a patient proceeding under section 4-105, except that in
42 addition to notice and a hearing, the court may conduct an in camera
43 review of the record. The court shall order disclosure of the record by
44 such facility unless the court determines that the disclosure (A) would
45 create a substantial risk that the patient would inflict life-threatening
46 injury to self or to others or experience a severe deterioration in mental
47 state, or (B) would constitute an invasion of privacy of another person,
48 or (C) would violate an assurance of confidentiality furnished to
49 another person, provided if the court orders disclosure of the record,
50 only such portion of the record the disclosure of which would not

51 constitute an invasion of privacy of another person or violate an
52 assurance of confidentiality furnished to another person shall be
53 disclosed.

54 (c) A list of all in-hospital rights shall be prominently posted in each
55 ward where mental health services are provided. Such list shall
56 include, but not be limited to, the right to leave, as afforded by
57 subsection (a) of section 17a-506, the right to a hearing, as afforded by
58 subsection (d) of section 17a-502, and the right to file a complaint, as
59 afforded by the hospital's complaint procedure.

60 (d) Nothing in subsection (b) of this section shall limit a patient's
61 right of access to his or her records under section 4-104.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	17a-548

Statement of Purpose:

To allow the director of Whiting Forensic Division to limit patient rights in the maximum security section for the purpose of protecting the safety and security of patients, staff and visitors.

[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.]