



Substitute Senate Bill No. 1066

Public Act No. 07-148

***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:

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 Section 4a-17 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

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

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

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 Section 17a-2 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

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

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

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

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

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

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

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

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

(a) The Department of Mental Health and Addiction Services shall constitute a successor department to the Department of Mental Health. Whenever the words "Commissioner of Mental Health" are used or referred to in the following general statutes, the words "Commissioner of Mental Health and Addiction Services" shall be substituted in lieu thereof and whenever the words "Department of Mental Health" are used or referred to in the following general statutes, the words

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"Department of Mental Health and Addiction Services" shall be substituted in lieu thereof: 2c-2b, 4-5, 4-38c, 4-60i, 4-77a, 4a-12, 4a-16, 5-142, 8-206d, 10-19, 10-71, 10-76d, 17a-14, 17a-26, 17a-31, 17a-33, 17a-218, 17a-246, 17a-450, 17a-451, 17a-452, 17a-453, 17a-454, 17a-455, 17a-456, 17a-457, 17a-458, 17a-459, 17a-460, [17a-463,] 17a-464, 17a-465, 17a-466, 17a-467, 17a-468, 17a-470, 17a-471, 17a-472, 17a-473, 17a-474, 17a-476, 17a-478, 17a-479, 17a-480, 17a-481, 17a-482, 17a-483, 17a-484, 17a-498, 17a-499, 17a-502, 17a-506, 17a-510, 17a-511, 17a-512, 17a-513, 17a-519, 17a-528, 17a-560, 17a-561, 17a-562, 17a-565, 17a-576, 17a-581, 17a-582, 17a-675, 17b-28, 17b-222, 17b-223, 17b-225, 17b-359, 17b-420, 17b-694, 19a-82, 19a-495, 19a-498, 19a-507a, 19a-507c, 19a-576, 19a-583, 20-14i, 20-14j, 21a-240, 21a-301, 27-122a, 31-222, 38a-514, 46a-28, 51-51o, 52-146h and 54-56d.

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

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

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

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

Sec. 7. Subsection (e) of section 17a-451 of the general statutes is

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

(e) The commissioner shall collaborate and cooperate with other state agencies providing services for mentally disordered children and adults with psychiatric disabilities or persons with substance [abuse disabilities] use disorders, or persons with both disabilities, and shall coordinate the activities of the Department of Mental Health and Addiction Services with the activities of said agencies.

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

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

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

(i) The commissioner shall be responsible for the coordination of all activities in the state relating to substance [abuse disabilities] use disorders and treatment, including activities of the Departments of Children and Families, Correction, Public Health, Social Services and Veterans' Affairs, the judicial branch and any other department or entity providing services to persons with substance [abuse disabilities] use disorders.

Sec. 10. Subsection (e) of section 17a-457 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

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

Sec. 11. Subsection (b) of section 17a-458 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

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

Sec. 12. Subsection (c) of section 17a-458 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

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

Sec. 13. Section 17a-459 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

The Connecticut Mental Health Center shall be a facility of the Department of Mental Health and Addiction Services and shall include the Connecticut Mental Health Center in New Haven and such satellite locations as the department may approve. The department shall operate the center in collaboration with Yale University under mutual agreement of the parties. The department may provide treatment at the center to adults, children or youths with psychiatric disabilities, substance [abuse disabilities] use disorders or both such disabilities. Admissions shall be within the control of the Commissioner of Mental Health and Addiction Services and no court may commit or transfer any person to or place or confine any person in the center without the approval of the commissioner or the commissioner's designee.

Sec. 14. Section 17a-470 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

Each state hospital, state-operated facility or the Whiting Forensic Division of the Connecticut Valley Hospital for the treatment of persons with psychiatric disabilities or persons with substance [abuse

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disabilities] use disorders, or both, except the Connecticut Mental Health Center, may have an advisory board appointed by the superintendent or director of the facility for terms to be decided by such superintendent or director. In any case where the present number of members of an advisory board is less than the number of members designated by the superintendent or director of the facility, he shall appoint additional members to such board in accordance with this section in such manner that the terms of an approximately equal number of members shall expire in each odd-numbered year. The superintendent or director shall fill any vacancy that may occur for the unexpired portion of any term. No member may serve more than two successive terms plus the balance of any unexpired term to which he had been appointed. The superintendent or director of the facility shall be an ex-officio member of the advisory board. Each member of an advisory board of a state-operated facility within the Department of Mental Health and Addiction Services assigned a geographical territory shall be a resident of the assigned geographical territory. Members of said advisory boards shall receive no compensation for their services but shall be reimbursed for necessary expenses involved in the performance of their duties. At least one-third of such members shall be from a substance abuse subregional planning and action council established pursuant to section 17a-671, and at least one-third shall be members of the catchment area councils, as provided in section 17a-483, for the catchment areas served by such facility, except that members serving as of October 1, 1977, shall serve out their terms.

Sec. 15. Subsection (b) of section 17a-473 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(b) Subject to the standards established by the Commissioner of Mental Health and Addiction Services for the operation of state-operated facilities constituting the Department of Mental Health

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and Addiction Services for the treatment of persons with psychiatric disabilities or persons with substance [abuse disabilities] use disorders, or both, each superintendent or director of such a facility shall be in charge of its day-to-day operations.

Sec. 16. Subsection (a) of section 17b-28 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(a) There is established a council which shall advise the Commissioner of Social Services on the planning and implementation of a system of Medicaid managed care and shall monitor such planning and implementation and shall advise the Waiver Application Development Council, established pursuant to section 17b-28a, on matters including, but not limited to, eligibility standards, benefits, access and quality assurance. The council shall be composed of the chairpersons and ranking members of the joint standing committees of the General Assembly having cognizance of matters relating to human services, public health and appropriations and the budgets of state agencies, or their designees; two members of the General Assembly, one to be appointed by the president pro tempore of the Senate and one to be appointed by the speaker of the House of Representatives; the director of the Commission on Aging, or a designee; the director of the Commission on Children, or a designee; two community providers of health care, to be appointed by the president pro tempore of the Senate; two representatives of the insurance industry, to be appointed by the speaker of the House of Representatives; two advocates for persons receiving Medicaid, one to be appointed by the majority leader of the Senate and one to be appointed by the minority leader of the Senate; one advocate for persons with substance [abuse disabilities] use disorders, to be appointed by the majority leader of the House of Representatives; one advocate for persons with psychiatric disabilities, to be appointed by the minority leader of the House of

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Representatives; two advocates for the Department of Children and Families foster families, one to be appointed by the president pro tempore of the Senate and one to be appointed by the speaker of the House of Representatives; two members of the public who are currently recipients of Medicaid, one to be appointed by the majority leader of the House of Representatives and one to be appointed by the minority leader of the House of Representatives; two representatives of the Department of Social Services, to be appointed by the Commissioner of Social Services; two representatives of the Department of Public Health, to be appointed by the Commissioner of Public Health; two representatives of the Department of Mental Health and Addiction Services, to be appointed by the Commissioner of Mental Health and Addiction Services; two representatives of the Department of Children and Families, to be appointed by the Commissioner of Children and Families; two representatives of the Office of Policy and Management, to be appointed by the Secretary of the Office of Policy and Management; one representative of the office of the State Comptroller, to be appointed by the State Comptroller and the members of the Health Care Access Board who shall be ex-officio members and who may not designate persons to serve in their place. The council shall choose a chair from among its members. The joint committee on Legislative Management shall provide administrative support to such chair. The council shall convene its first meeting no later than June 1, 1994.

Sec. 17. Subsection (a) of section 54-56i of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(a) Not later than January 1, 1998, [but in no event sooner than the establishment of the pilot research drug education program under section 17a-715,] the Department of Mental Health and Addiction Services shall establish a pretrial drug education program for persons

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charged with a violation of section 21a-267 or 21a-279.

Sec. 18. (NEW) (*Effective October 1, 2007*) If the term "substance abuse disabilities" is used or referred to in any public or special act of 2007 or 2008, or in any section of the general statutes that is amended in 2007 or 2008, it shall be deemed to refer to substance use disorders.

Sec. 19. (NEW) (*Effective October 1, 2007*) Notwithstanding any provision of title 46 of the general statutes or regulations adopted under said title, the Department of Mental Health and Addiction Services shall develop a single, comprehensive affirmative action plan that covers each facility, division and the central office of said department.

Sec. 20. Sections 17a-451a, 17a-463, 17a-471b, 17a-471c, 17a-711 and 17a-715 of the general statutes are repealed. (*Effective October 1, 2007*)

Approved June 29, 2007