



# House of Representatives

General Assembly

**File No. 182**

February Session, 2010

Substitute House Bill No. 5244

*House of Representatives, March 29, 2010*

The Committee on Human Services reported through REP. WALKER of the 93rd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING THE ISSUANCE OF EMERGENCY CERTIFICATES BY CERTAIN STAFF OF THE EMERGENCY MOBILE PSYCHIATRIC SERVICES PROGRAM.***

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

1 Section 1. Section 17a-78 of the general statutes is amended by  
2 adding subsection (f) as follows (*Effective October 1, 2010*):

3 (NEW) (f) Any clinical social worker licensed under chapter 383b,  
4 advanced practice registered nurse licensed under chapter 378 or  
5 professional counselor licensed under chapter 383c who has (1)  
6 received a minimum of eight hours of specialized training in the  
7 conduct of direct evaluations as a member of any emergency mobile  
8 psychiatric services team under contract with the Department of  
9 Children and Families, and (2) reasonable cause to believe, based on a  
10 direct evaluation of a child, that such child (A) has psychiatric  
11 disabilities, (B) is dangerous to himself or others or gravely disabled,  
12 and (C) is in need of immediate care and treatment may issue an  
13 emergency certificate that requires the hospitalization of such child for

14 a psychiatric and medical evaluation. Such child shall be evaluated not  
 15 later than twenty-four hours after the issuance of the emergency  
 16 certificate and shall not be held for more than seventy-two hours  
 17 pursuant to such certificate unless committed pursuant to section 17a-  
 18 77. The Commissioner of Children and Families shall collect and  
 19 maintain statistical and demographic information pertaining to  
 20 emergency certificates issued under this subsection.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2010	17a-78

**Statement of Legislative Commissioners:**

In subsection (f), "Emergency Mobile Psychiatric Services (EMPS) team" was changed to "emergency mobile psychiatric services team" for accuracy.

**HS**      *Joint Favorable Subst.-LCO*

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The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None

***Explanation***

Allowing certain Emergency Mobile Psychiatric Services team members to issue emergency certificates authorizing hospitalization has no state fiscal impact. The Department of Children and Families can accommodate data collection and training activities resulting from the bill without incurring a fiscal impact.

A workload reduction for law enforcement agencies will result to the extent that their involvement in these cases is mitigated. About 45-50 emergency certificates are issued annually.

***The Out Years***

***State Impact:*** None

***Municipal Impact:*** None

**OLR Bill Analysis****sHB 5244*****AN ACT CONCERNING THE ISSUANCE OF EMERGENCY CERTIFICATES BY CERTAIN STAFF OF THE EMERGENCY MOBILE PSYCHIATRIC SERVICES PROGRAM.*****SUMMARY:**

This bill permits certain licensed clinical social workers, professional counselors, and advanced practice registered nurses (APRNs) to issue an emergency certificate, under certain conditions, to hospitalize a child for medical and psychiatric evaluation. Under current law, only physicians can issue such certificates.

The bill permits social workers, counselors, and APRNS to issue an emergency certificate if they:

1. have received at least eight hours of specialized training in conducting direct evaluations as a member of a Department of Children and Families (DCF) emergency mobile psychiatric services team and
2. reasonably believe, based on their direct evaluation, that the child (a) has a psychiatric disability; (b) is a danger to himself, herself, or others or is gravely disabled; and (c) needs immediate care and treatment.

The bill requires the child to be evaluated within 24 hours after the emergency certificate is issued. The law requires a psychiatrist to conduct the evaluation. The bill prohibits a hospital from holding a child hospitalized by a social worker, counselor, or APRN for more than 72 hours unless a court orders the child's commitment.

When a physician issues an emergency certificate, the law permits the child to be hospitalized for up to 15 days. And, if a commitment

proceeding is begun during those 15 days, hospitalization can continue for 15 days longer (25 if the proceeding is transferred from probate to Superior Court) or until the proceeding is finished, whichever occurs first.

The bill gives children hospitalized by social workers, counselors, and APRNs the same rights as existing law gives those hospitalized by physicians. These include the right to consult with and be represented by an attorney and the right to a hearing.

Finally, the bill requires DCF to collect data pertaining to certificates social workers, counselors, and APRNs issue.

EFFECTIVE DATE: October 10, 2010

**BACKGROUND**

***DCF Emergency Mobile Psychiatric Service (EMPS) Teams***

EMPS teams include mobile response; psychiatric assessment; medication consultation, assessment, and short-term medication management; behavioral management services; and substance abuse screening and referral to traditional and non-traditional services for families with a child in crisis.

***Related Law and Bill***

Current law allows clinical social workers and APRNs who are members of a Department of Mental Health and Addiction Services (DMHAS)-operated or -funded mobile crisis, crisis intervention, or advanced supervision and intervention support team or jail diversion or assertive case management support program to issue emergency certificates. sSB 246 (File 75) permits them to issue emergency certificates if they are members of a DHMAS-certified community support program.

**COMMITTEE ACTION**

Human Services Committee

Joint Favorable

Yea 19    Nay 0    (03/11/2010)