



Senate

General Assembly

File No. 75

February Session, 2010

Substitute Senate Bill No. 246

Senate, March 18, 2010

The Committee on Public Health reported through SEN. HARRIS of the 5th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING ISSUANCE OF EMERGENCY CERTIFICATES AND THE SAFETY OF PATIENTS AND STAFF AT FACILITIES OPERATED BY 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 Section 17a-503 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2010*):

3 (a) Any police officer who has reasonable cause to believe that a
4 person has psychiatric disabilities and is dangerous to himself or
5 herself or others or gravely disabled, and in need of immediate care
6 and treatment, may take such person into custody and take or cause
7 such person to be taken to a general hospital for emergency
8 examination under this section. The officer shall execute a written
9 request for emergency examination detailing the circumstances under
10 which the person was taken into custody, and such request shall be left
11 with the facility. The person shall be examined within twenty-four
12 hours and shall not be held for more than seventy-two hours unless

13 committed under section 17a-502.

14 (b) Upon application by any person to the court of probate having
15 jurisdiction in accordance with section 17a-497, alleging that any
16 respondent has psychiatric disabilities and is dangerous to himself or
17 herself or others or gravely disabled, and in need of immediate care
18 and treatment in a hospital for psychiatric disabilities, such court may
19 issue a warrant for the apprehension and bringing before it of such
20 respondent and examine such respondent. If the court determines that
21 there is probable cause to believe that such person has psychiatric
22 disabilities and is dangerous to himself or herself or others or gravely
23 disabled, the court shall order that such respondent be taken to a
24 general hospital for examination. The person shall be examined within
25 twenty-four hours and shall not be held for more than seventy-two
26 hours unless committed under section 17a-502.

27 (c) Any psychologist licensed under chapter 383 who has reasonable
28 cause to believe that a person has psychiatric disabilities and is
29 dangerous to himself or herself or others or gravely disabled, and in
30 need of immediate care and treatment, may issue an emergency
31 certificate in writing that authorizes and directs that such person be
32 taken to a general hospital for purposes of a medical examination. The
33 person shall be examined within twenty-four hours and shall not be
34 held for more than seventy-two hours unless committed under section
35 17a-502.

36 (d) Any clinical social worker licensed under chapter 383b or
37 advanced practice registered nurse licensed under chapter 378 who (1)
38 has received a minimum of eight hours of specialized training in the
39 conduct of direct evaluations as a member of (A) any mobile crisis
40 team, jail diversion program, crisis intervention team, advanced
41 supervision and intervention support team, or assertive case
42 management program operated by or under contract with the
43 Department of Mental Health and Addiction Services, or (B) a
44 community support program certified by the Department of Mental
45 Health and Addiction Services, and (2) based upon the direct

46 evaluation of a person, has reasonable cause to believe that such
47 person has psychiatric disabilities and is dangerous to himself or
48 herself or others or gravely disabled, and in need of immediate care
49 and treatment, may issue an emergency certificate in writing that
50 authorizes and directs that such person be taken to a general hospital
51 for purposes of a medical examination. The person shall be examined
52 within twenty-four hours and shall not be held for more than seventy-
53 two hours unless committed under section 17a-502. The Commissioner
54 of Mental Health and Addiction Services shall collect and maintain
55 statistical and demographic information pertaining to emergency
56 certificates issued under this subsection.

57 Sec. 2. Section 17a-471a of the general statutes is repealed and the
58 following is substituted in lieu thereof (*Effective October 1, 2010*):

59 (a) The Commissioner of Mental Health and Addiction Services, in
60 consultation and coordination with the advisory council established
61 under subsection (b) of this section, shall develop policies and set
62 standards related to clients residing on the Connecticut Valley
63 Hospital campus and to the [placement of clients discharged]
64 discharge of such clients from the hospital into the adjacent
65 community. Any such policies and standards shall assure that no
66 discharge of any client admitted to Whiting Forensic Division under
67 commitment by the Superior Court or transfer from the Department of
68 Correction shall take place without full compliance with sections 17a-
69 511 to 17a-524, inclusive, 17a-566 to 17a-575, inclusive, 17a-580 to 17a-
70 603, inclusive, and 54-56d.

71 (b) There is established a Connecticut Valley Hospital Advisory
72 Council [to] that shall advise the Commissioner of Mental Health and
73 Addiction Services on policies concerning, but not limited to, building
74 use, security, clients residing on the campus and the [placement of
75 clients discharged] discharge of clients from the campuses into the
76 adjacent community. [The] In addition, the advisory council shall
77 periodically review the implementation of the policies and standards
78 established by the commissioner in consultation with the advisory

79 council. The council shall be composed of six members appointed by
80 the mayor of Middletown, six members appointed by the
81 Commissioner of Mental Health and Addiction Services and one
82 member who shall serve as chairperson appointed by the Governor.

83 Sec. 3. Section 17a-546 of the general statutes is repealed and the
84 following is substituted in lieu thereof (*Effective October 1, 2010*):

85 (a) Every patient shall be permitted to communicate by sealed mail
86 with any individual, group or agency, except as [herein] provided in
87 this section.

88 (b) Every hospital for treatment of persons with psychiatric
89 disabilities shall furnish writing materials and postage to any patient
90 desiring them.

91 (c) If the head of the hospital or his authorized representative
92 receives a complaint from a person demonstrating that such person is
93 receiving obscene, threatening or harassing mail from a patient, the
94 head of the hospital or his authorized representative may, after
95 providing a reasonable opportunity for the patient to respond to the
96 complaint, restrict such patient's mail to the complainant. The head of
97 the hospital or his authorized representative shall notify the patient of
98 the availability of advocacy services if such patient's mailing rights are
99 restricted. Any such restriction shall be noted in writing, signed by the
100 head of the hospital, and made a part of the patient's permanent
101 clinical record.

102 (d) If the head of the hospital or his authorized representative
103 determines that it is medically harmful to a patient to receive mail, all
104 such correspondence shall be returned unopened to the sender, with
105 an explanation, signed by the head of the hospital, for its return. A
106 copy of this explanation shall be made a part of the patient's
107 permanent clinical record.

108 (e) Every patient shall be permitted to make and receive telephone
109 calls, except as [herein] provided in this section. Public telephones

110 shall be made available in appropriate locations.

111 (f) If the head of the hospital or his authorized representative
112 determines that a patient has made obscene, [or] threatening or
113 harassing telephone calls, he may restrict such patient's right to make
114 telephone calls. Any such restriction shall be noted in writing, signed
115 by the head of the hospital, and made a part of the patient's permanent
116 clinical record.

117 (g) If the head of the hospital or his authorized representative
118 determines that it is medically harmful to a patient to make or receive
119 telephone calls, this fact shall be explained, in writing, signed by the
120 head of the hospital, to the patient's family and any persons who
121 regularly make calls to, or receive calls from, the patient. A copy of the
122 explanation shall be signed by the head of the hospital and placed in
123 the patient's permanent clinical record.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2010	17a-503
Sec. 2	October 1, 2010	17a-471a
Sec. 3	October 1, 2010	17a-546

PH Joint Favorable Subst.

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.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill allows certain DMHAS clinical social workers and advanced registered nurses to issue emergency certificates directing a person with psychiatric disabilities to a hospital for evaluation. This will create administrative efficiency in issuing such certificates and has no fiscal impact.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**sSB 246*****AN ACT CONCERNING ISSUANCE OF EMERGENCY CERTIFICATES AND THE SAFETY OF PATIENTS AND STAFF AT FACILITIES OPERATED BY THE DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES.*****SUMMARY:**

This bill permits clinical social workers and advanced practice registered nurses (APRNs) who are members of a Department of Mental Health and Addiction Services (DHMAS)-certified community support program to issue emergency certificates directing a person with psychiatric disabilities to be taken to a hospital for evaluation. Current law allows only social workers and APRNs who are members of a DMHAS-operated or -funded mobile crisis team, jail diversion program, crisis intervention team, advanced supervision and intervention support team, or assertive case management support program to issue emergency certificates.

As with social workers and APRNs currently authorized to issued emergency certificates, those working in the community support program must (1) have received at least eight hours of specialized training in conducting direct evaluations and (2) as a result of direct evaluation, reasonably believe the person has psychiatric disabilities; is a danger to himself, herself, or others, or gravely disabled; and needs immediate care or treatment.

The bill also makes technical changes to the DHMAS statutes regarding (1) the Connecticut Valley Hospital Advisory Council and (2) restrictions on psychiatric hospital patients' communication by mail and telephone.

EFFECTIVE DATE: October 1, 2010

BACKGROUND***Community Support Programs***

Community support programs provide mental health and substance abuse rehabilitation services and supports to help DHMAS clients function independently in the community. Services are provided by mobile, interdisciplinary teams of clinicians and peer specialists based on an individualized service plan the team develops. Services are provided in a community setting and may include medication management, psychosocial rehabilitation, interpersonal and other skill development, and education and support to clients' families. Currently, 14 DHMAS-certified programs operate statewide.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 30 Nay 0 (03/10/2010)