

CONNECTICUT LEGAL RIGHTS PROJECT, INC.

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TESTIMONY OF JAN VANTASSEL, ESQ.
HUMAN SERVICES COMMITTEE
March 2, 2010

My name is Jan VanTassel. I am the Executive Director of the Connecticut Legal Rights Project, Inc. (CLRP), a statewide non-profit agency that provides free legal services to low income adults with severe and persistent mental illness on matters related to their treatment and civil rights. A CLRP staff attorney is testifying today in support of H.B. 5232, a bill proposed by the Office of Protection and Advocacy for Persons with Disabilities to assure that persons with disabilities who reside in residential care facilities have access to advocacy services. Therefore, I will not comment on that bill, except to say that CLRP's paralegal advocates, who work under the direct supervision of attorneys, have represented many such individuals, and we want to be certain that our right to continue doing so is protected.

I want to express CLRP's support for two other bills being considered by the Human Services Committee today.

SUPPORT FOR RAISED BILL 281.AAC PUBLIC PARTICIPATION IN MEETINGS
OF THE PHARMACEUTICAL AND THERAPEUTICS COMMITTEE

The purpose of this bill is a simple one; to provide Connecticut residents the same opportunity for public comment on access to medications and therapies that is provided in nearly every other state. As you know, Connecticut, like most other states, has placed almost every medication covered by the Medicaid program on a preferred drug list. In order to have a prescription drug placed on the list the pharmaceutical company must agree to pay rebates to the state, thereby generating cost savings to the state. While I appreciate the financial benefit to the state derived from this practice, if a medication is excluded from the preferred drug list, an state administrative prior authorization process must be followed which often delays access to medications.

Last year Connecticut expanded the preferred drug list to include medications for the treatment of mental illness, which had previously been exempted. Like the complex and specialized medications to treat AIDS, which are still exempted, medications that treat mental illness have very individualized effects, both positive and negative. It can sometimes take years to determine the combination and dosage of medications that will support and sustain an individual's recovery and stability. An interruption of those medications is likely to trigger a relapse that will require inpatient treatment to be resolved.

While the Pharmaceutical and Therapeutics (P&T) Committee currently has the authority to invite members of the public and organizational representatives to speak, and does so on occasion, there is no mandate to do so. By enacting Raised Bill 281, you can assure that there is an opportunity at every meeting for persons directly affected by the committee's recommendations to speak to them directly. When the committee is acting on matters that have such a significant impact on individual lives, protecting the right of those individuals to be heard seems to be fundamental to our system of open government.

Most other states have determined that public comment must be an essential element of the P&T Committee process, and I hope that you will agree and take favorable action on Raised Bill 281.

SUPPORT FOR S.B. 315 AAC SEXUAL ASSAULT OF A DEVELOPMENTALLY DISABLED OR SEVERELY PHYSICALLY DISABLED PERSON

I am testifying in favor of SB 315 in my capacity as a member of the advisory committee of the Office of Victim Services. The purpose of this legislation is to clarify what we already believe to be the legislative intent of the current statute, protecting persons whose ability to resist or consent to sexual intercourse is substantially impaired because of a mental or physical condition when the perpetrator has reason to be aware of that impairment. It seems to me that the logic behind this clarification is so apparent that it should require very little explanation. We simply want to be absolutely certain that persons with disabilities are adequately protected against exploitation, and they are not required to demonstrate that they were helpless to a point that there was absolutely no conceivable means of expressing their lack of consent in order to convict their assailant. Substantial impairment combined with the reasonable knowledge of the perpetrator provides a fair balance of interests, and I urge you to support this bill.

I also urge you to take this opportunity to delete the archaic use of the term "mentally defective" from the bill as recommended by the Office of Protection and Advocacy for Persons with Disabilities.