



# House of Representatives

## File No. 604

General Assembly

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February Session, 2012 (Reprint of File No. 304)

Substitute House Bill No. 5037  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
May 2, 2012

### **AN ACT IMPLEMENTING THE GOVERNOR'S BUDGET RECOMMENDATIONS CONCERNING PUBLIC HEALTH.**

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

1 Section 1. Section 17a-568 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 Nothing in sections 17a-560 to 17a-576, inclusive, shall affect  
4 proceedings under sections 17a-580 to 17a-602, inclusive, [17b-249,]  
5 17b-250 and 54-56d.

6 Sec. 2. Section 17b-249 of the general statutes is repealed. (*Effective*  
7 *from passage*)

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	17a-568
Sec. 2	<i>from passage</i>	Repealer section

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:**

Agency Affected	Fund-Effect	FY 13 \$	FY 14 \$
Resources of the General Fund	GF - Revenue Gain	Potential	Potential

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill could result in a revenue gain to the state associated with allowing the recovery of the cost of care for individuals found not guilty because of mental illness.

Annually, the Psychiatric Security Review Board (PSRB)<sup>1</sup> averages 159 individuals under its jurisdiction, of whom approximately 5 are newly committed, 25 are on conditional release and 5 are discharged.<sup>2</sup> The average annual cost per client varies based on the services utilized. For example, an individual receiving acute psychiatric inpatient services would cost the Department of Mental Health and Addiction Services (DMHAS) approximately \$95,650 per year. An individual receiving outpatient services (\$5,125) and case management (\$4,600) would cost approximately \$9,725 annually.<sup>3</sup>

The annual revenue gain to the state would be based on the cost of

<sup>1</sup> The PSRB determines the level of confinement and treatment for individuals found not guilty of a crime by reason of mental disease or defect. Acquittees are committed to the Board by the Superior Court.

<sup>2</sup> Calculations represent a five year average based on PSRB Annual Statistics Reports for FY 07 through FY 11. The average number of individuals discharged includes the average number of individuals who died during this time.

<sup>3</sup> Average annual cost per slot by program based on DMHAS sample data of PSRB client profiles.

support and treatment provided by the state and the ability of such individuals, and others legally liable, to pay.

House "A" strikes the language in the underlying bill and results in the impact described above.

***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

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**OLR Bill Analysis****sHB 5037 (as amended by House "A")\******AN ACT IMPLEMENTING THE GOVERNOR'S BUDGET  
RECOMMENDATIONS CONCERNING PUBLIC HEALTH.*****SUMMARY:**

This bill repeals a statutory provision requiring the state to be charged for the cost of caring for an individual who is committed to a state institution after being found not guilty of a crime by reason of a mental illness ("acquittee"). This provision conflicts with another law that requires current or former residents of state humane institutions to repay the state the cost of their care. (In practice, the state has not been recovering acquittees' care costs.) The law defines a "state humane institution" as a state mental hospital, community mental health center, treatment facility for children and adolescents, or any other program or facility administered by the departments of mental health and addiction services, developmental services, or children and families. Because acquittees are committed to these facilities, the state is able to recover their care costs under this law.

By law, if the resident of a state humane institution is unable to pay, the state can recover all or part of the cost from most legally liable relatives (e.g., spouse or minor's parent), based on their ability to pay. The state comptroller sets the maximum amount the state can collect. The state must notify residents or their legally liable relatives of their liability to reimburse the state for these costs prior to admission, or if the immediate need or admission precludes notification, as early as possible thereafter.

The state generally recovers any unpaid costs from either (1) the individual's estate after he or she dies or (2) windfalls, such as

inheritances or lawsuit proceeds. If the individual owns a home, the state may place a lien on it to make a recovery.

The bill also makes a technical conforming change.

\*House Amendment "A" (1) repeals the statutory provision requiring the state to be charged for the cost of caring for acquittees committed to state institutions and (2) changes the effective date from July 1, 2012 to upon passage.

EFFECTIVE DATE: Upon passage

**COMMITTEE ACTION**

Public Health Committee

Joint Favorable Substitute

Yea 26 Nay 0 (03/26/2012)