



STATE OF CONNECTICUT
DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES
A Healthcare Service Agency

Dannel P. Malloy
Governor

Patricia A. Rehmer, MSN
Commissioner

Testimony of Michael Norko, MD
Director of Forensic Services
Department of Mental Health and Addiction Services
Before the Judiciary Committee
March 5, 2012

Good afternoon, Senator Coleman, Representative Fox, and distinguished members of the Judiciary Committee. I am Dr. Michael Norko, Director of Forensic Services for the Department of Mental Health and Addiction Services (DMHAS), and I am here today to speak in **support of H.B. 5367, An Act Concerning Competency to Stand Trial**. I want to thank the Committee for your assistance in raising this proposal.

The vast majority of individuals who are found not competent to stand trial receive their treatment in a DMHAS inpatient setting at Connecticut Valley Hospital. Many of the individuals we treat come directly from jail or prison. Subsection (p) of 54-56d currently allows DMHAS to make an exception for placement in our hospital for certain violent individuals who would compromise the clinical milieu. In those rare instances, the individual remains in the custody of the Department of Correction (DOC) and restoration to competency work takes place in that setting. Our practice has been for DMHAS staff to provide education to the individual, as well as ongoing evaluation of progress toward restoration of competency and written reports and testimony to the courts, although this function has not been articulated in existing statute.

HB 5367 would expand the exception to cover individuals who present a significant security, safety or medical risk in a psychiatric hospital. We had two cases in the last year that created significant challenges related to security and to medical care for the hospital, which were not covered by the existing statute. The security and significant medical care needs of these individuals could have been successfully and more efficiently managed in DOC through the health care contract with UCONN, with DMHAS providing restoration services as described above, but we had no statutory authority to do so. HB 5367 gives us that authority and makes other changes to the competency statute to insure that court reporting and other requirements related to the restoration of competency process are followed as a matter of statutory adherence. We discussed this issue with DOC and UCONN and they agreed to these changes.

HB 5367 also makes some changes regarding reporting requirements for clients that are served by the Department of Developmental Services (DDS) who the court finds cannot be restored to competency within the period of treatment that is allowed. DMHAS supports those changes as well.

Thank you for your time and attention to this matter. I would be happy to answer any questions you may have at this time.