



STATE OF CONNECTICUT
OFFICE OF POLICY AND MANAGEMENT

TESTIMONY PRESENTED TO THE PUBLIC HEALTH COMMITTEE

March 7, 2012

Benjamin Barnes
Secretary
Office of Policy and Management

Testimony Supporting House Bill No. 5037

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

Senator Gerratana, Representative Ritter and distinguished members of the Public Health Committee, thank you for the opportunity to offer testimony on House Bill No. 5037, AN ACT IMPLEMENTING THE GOVERNOR'S BUDGET RECOMMENDATIONS CONCERNING PUBLIC HEALTH.

This bill merges the Psychiatric Security Review Board (PSRB) with the Department of Mental Health and Addiction Services (DMHAS) and allows the state to impose liability on individuals who have been acquitted of crimes by reason of mental disease or mental defect.

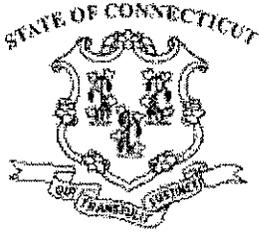
The Psychiatric Security Review Board is an independent state agency to which the Superior Court commits persons who are found not guilty of a crime by reason of mental disease or mental defect. The merger with DMHAS will streamline state government while maintaining the autonomous nature of the Psychiatric Security Review Board. PSRB will continue to review the status of acquittees through an administrative hearing process and order the level of supervision and treatment for the acquittee necessary to protect the public.

While the proposed merger solely intends to consolidate the administrative functions of the two agencies, PSRB has expressed some concern regarding the proposal. Therefore, in order to further clarify the intent of maintaining the board's independence, my office worked with PSRB to develop slight modifications to the bill. These changes are highlighted on the attached bill for your reference.

The second portion of the bill allows the state to recoup the cost of care for individuals in state hospitals, when patients have sufficient resources. Under existing statute, the state is required to cover the cost of care for patients under the jurisdiction of PSRB and inmates under the custody of the Department of Corrections (DOC). For DOC inmates the cost of such care is currently recouped through the cost of incarceration charged upon release. The proposed legislation

will create parity by allowing the state to similarly recoup the cost of care from acquittees under the custody of PSRB. While I request your support of this bill, I recommend a modification to the bill to remove the exemption for spousal liability. This change is requested in order to maintain uniformity across other statutes which apply liability to a spouse for an individual's cost of care. Further, I request the removal of section 3 as the state currently has the ability to seek recoupment of an inmate's care through the cost of incarceration rate charged to this population.

I would like to again thank the committee for the opportunity to present this testimony. I respectfully request the Committee support this bill.



General Assembly
February Session, 2012

Governor's Bill No. 5037

LCO No. 548

*00548 _____ *

Referred to Committee on Public Health

Introduced by:

REP. DONOVAN, 84th Dist.

REP. SHARKEY, 88th Dist.

SEN. WILLIAMS, 29th Dist.

SEN. LOONEY, 11th Dist.

**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:

Section 1. Section 17a-581 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2012*):

(a) There is hereby established, [a] within the Department of Mental Health and Addiction Services, an independent division to be known as the Psychiatric Security Review Board, [which shall be an autonomous body within the Department of Mental Health and Addiction Services for administrative purposes only.] Independent division means a division within the Department of Mental Health and Addiction Services which shall maintain its own policies and procedures consistent with its statutory mission and governing statutes and regulations. The Commissioner of Mental Health and Addiction Services shall oversee said division. Nothing in this section shall be construed to affect or limit the independent decision-making of the board. [Members appointed pursuant to this section shall exercise independent decision-making authority over all matters relating to acquittees committed to the board's jurisdiction pursuant to section 17a-582] The board shall constitute a successor to the former Psychiatric Security Review Board, in accordance with the provisions of sections 4-38d and 4-39. Any order, decision, agreed settlement or regulation of the Psychiatric Security Review Board which is in force on June 30, 2012, shall

continue in force and effect as an order or regulation of the Department of Mental Health and Addiction Services until amended, repealed or superseded pursuant to law. If the words "Psychiatric Security Review Board" are used or referred to in any public or special act of 2012 or in any section of the general statutes which is amended in 2012, such words shall be deemed to mean or refer to the Psychiatric Security Review Board division within the Department of Mental Health and Addiction Services.

(b) The board shall consist of six members who shall serve for a term of four years and shall be appointed by the Governor with the advice and consent of either house of the General Assembly, except that of the members first appointed to the board: (1) One shall serve for a term ending June 30, 1987; (2) two shall serve for terms ending June 30, 1988; (3) two shall serve for terms ending June 30, 1989; and (4) one appointed pursuant to subdivision (6) of subsection (b) of this section shall serve for a term ending June 30, 1999.

[(b)] (c) The membership shall be composed of: (1) A psychiatrist experienced with the criminal justice system and not otherwise employed on a permanent basis by the state, except that a psychiatrist employed by The University of Connecticut Health Center who is not responsible for the administration of or treatment decisions for persons under the jurisdiction of the Psychiatric Security Review Board shall be eligible for membership under this subdivision; (2) a psychologist experienced with the criminal justice system and not otherwise employed on a permanent basis by the state, except that a psychologist employed by The University of Connecticut Health Center who is not responsible for the administration of or treatment decisions for persons under the jurisdiction of the Psychiatric Security Review Board shall be eligible for membership under this subdivision; (3) a person with substantial experience in the process of probation; (4) a member of the general public; (5) an attorney who is a member of the bar of this state; and (6) a member of the general public with substantial experience in victim advocacy.

[(c)] (d) No employee of the Division of Criminal Justice or the Public Defender Services Commission shall be a member of the board.

[(d)] (e) The Governor at any time may remove any member for inefficiency, neglect of duty or malfeasance in office.

[(e)] (f) A member of the board not otherwise employed full-time by the state shall be paid seventy-five dollars for each day during which the member is engaged in the performance of official duties. In addition, subject to sections 4-15 and 5-141c regulating travel and other expenses of state officers and employees, the member shall be reimbursed for actual and necessary travel and other expenses incurred in the performance of official duties.

[(f)] (g) Subject to any applicable provision of sections 5-193 to 5-268, inclusive, the board may [hire employees] make a request to the Commissioner of Mental Health and Addiction Services for the commissioner to assign such department

employees as are necessary to assist the board in the performance of its duties under sections 17a-580 to [17a-602] 17a-603, inclusive. ~~The commissioner's assignment of such personnel shall be made in consultation with the board.~~

[(g)] (h) A majority of the members of the board constitutes a quorum for the transaction of business. Hearings shall be held before members of the board.

[(h)] (i) The board shall meet at least twice every month, unless the chairman determines that there is not sufficient business before the board to warrant a meeting at the scheduled time. The board shall also meet at other times and places specified by the call of the chairman or of a majority of the members of the board.

[(i)] (j) No member of the board shall be personally liable for damage or injury caused in the discharge of his duties. Any person having a complaint for such damage or injury shall present it as a claim against the state under the provisions of chapter 53.

[(j)] (k) The [board] Department of Mental Health and Addiction Services, ~~in concurrence with the board,~~ may adopt, in accordance with chapter 54, such regulations as may be necessary to carry out the purposes of sections 17a-580 to 17a-602, inclusive.

Sec. 2. Section 17b-249 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2012*):

When any person, charged with any offense punishable by fine or imprisonment or both, has been found not guilty because of mental illness and, by reason of such mental illness, has been committed for confinement or treatment to any institution supported in whole or in part by the state, the expense for the support and treatment of such person while so committed shall be [charged to the state.] paid to the state. The state may recover for the cost of such support and treatment in the manner provided in sections 17b-122, 17b-124 to 17b-132, inclusive, 17b-136 to 17b-138, inclusive, 17b-194 to 17b-197, inclusive, 17b-222 to 17b-250, inclusive, as amended by this act, 17b-256, 17b-263, 17b-340 to 17b-350, inclusive, 17b-689b and 17b-743 to 17b-747, inclusive. [Notwithstanding the provisions of section 17b-223, the husband or wife of a person committed for confinement or treatment to a state hospital after having been found not guilty because of mental illness, and by reason of mental illness, shall not be liable for the cost of such person's care.]

~~[Sec. 3. Section 17b-250 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2012*):~~

~~(1) When any person has been transferred from the Connecticut Correctional Institution, Somers, the Connecticut Correctional Institution, Niantic, or its maximum security division, the John R. Manson Youth Institution, Cheshire, or a community correctional center to a state hospital, such person's hospital expense~~

prior to the termination of his sentence, [shall be charged to the state. If] or (2) if any person [] transferred from a correctional institution or community correction center is committed to or otherwise remains in a state hospital after the expiration of his sentence, such person's hospital expense shall be paid to the state in the manner provided for payment in sections 17b-122, 17b-124 to 17b-132, inclusive, 17b-136 to 17b-138, inclusive, 17b-194 to 17b-197, inclusive, 17b-222 to 17b-250, inclusive, as amended by this act, 17b-256, 17b-263, 17b-340 to 17b-350, inclusive, 17b-689b and 17b-743 to 17b-747, inclusive. Notwithstanding the provisions of section 17b-223, the husband or wife of a person transferred from a correctional institution to state care shall not be liable for the cost of care.