

STATE OF CONNECTICUT

PSYCHIATRIC SECURITY REVIEW BOARD

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Ellen Lachance, Executive Director

Public Health Committee Testimony

March 7, 2012

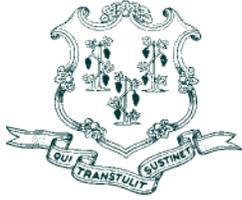
Good morning Senator Gerratana, Representative Ritter, and distinguished members of the Public Health Committee. I am Ellen Lachance, the Executive Director of the Psychiatric Security Review Board and I appear before you today in support of **HB 5037 An Act Implementing the Governor's Budget Recommendations Concerning Public Health.**

The Psychiatric Security Review Board was established in 1985 after an examination of Connecticut's insanity defense statutes and supervision procedures revealed gaps in the oversight of those individuals acquitted of a crime by mental disease or defect. The Connecticut Legislature determined the public would best be served by an independent Board that could monitor acquittees more closely than Superior Court. Thus, the Board was established to perform specific functions in the adjudication and supervision of insanity acquittees previously carried out by Superior Court.

The Board is comprised of a small staff and six Board members, appointed by the Governor and confirmed by the legislature. The Board orders the confinement and treatment of acquittees to the Department of Mental Health and Addiction Services (DMHAS) or to the Department of Developmental Services. The Board closely monitors the treatment and supervision of those acquittees residing in an inpatient hospital setting or released to the community.

For twenty-six years, the Board has functioned as an independent agency, within the Department of Mental Health and Addiction Services for administrative purposes. The goal of the proposal before you, merging the Board with DMHAS, is to streamline state government while maintaining the Board's independent decision making and monitoring functions. The Board's request for substitute language which is attached to this testimony, serves to safeguard the Board's statutory mission in performing its functions, which is the protection of society. The Board further requests your support to modify the state's liability statutes regarding acquittees confined in a state hospital.

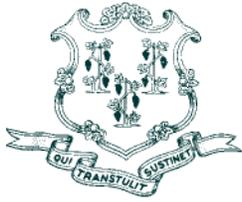
The Board has a significant role in safeguarding Connecticut's citizens, while at the same time, ensuring appropriate treatment services for those under its jurisdiction. The Committee's favorable action on this bill and the proposed substitute language, will ensure the Board's public safety mandate remains intact. I am happy to respond to any questions.



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SUBSTITUTE LANGUAGE – HB 5037

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

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



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to subdivision (6) of subsection (b) of this section shall serve for a term ending June 30, 99.

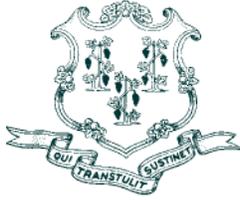
[(b)] (c) The membership shall be composed of: (1) A psychiatrist experienced with the criminal justice system and not otherwise employed on a permanent basis by the state, except that a psychiatrist employed by The University of Connecticut Health Center who is not responsible for the administration 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.



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[(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.