



Substitute House Bill No. 5145

Public Act No. 14-138

AN ACT CONCERNING VARIOUS REVISIONS TO THE DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES' STATUTES.

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

Section 1. Subsection (n) of section 17a-451 of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

(n) (1) The commissioner shall specify uniform methods of keeping statistical information by: [public] (A) Public and private agencies, including agencies that operate institutions, as defined in section 19a-490, that provide care or treatment for psychiatric disabilities, alcohol or drug abuse or dependence, whether or not such agencies are operated or funded by the state; and (B) other organizations and individuals. [, including] Such methods shall include those for creating and maintaining a client identifier system. [, and] Such agencies, organizations and individuals shall collect and make available relevant statistical information, including the number of persons treated, demographic and clinical information about such persons, frequency of admission and readmission, frequency and duration of treatment, level or levels of care provided and discharge and referral information. [The commissioner shall also require all facilities that provide

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prevention or treatment of alcohol or drug abuse or dependence that are operated or funded by the state or licensed under sections 19a-490 to 19a-503, inclusive, to implement such methods.]

(2) Such agencies, organizations and individuals shall, upon the request of the commissioner, report the information described in subdivision (1) of this subsection to the department in the form and manner prescribed by the commissioner. The commissioner shall report any [licensed facility] agency that operates a licensed institution that fails to report information as requested by the commissioner to the Department of Public Health or other licensing authority.

(3) The information contained in any client identifier system, as described in this subsection, shall be subject to the confidentiality requirements set forth in [section] sections 17a-688 and 52-146g and regulations adopted thereunder.

Sec. 2. Section 17a-468a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

The Commissioner of Mental Health and Addiction Services may, within available appropriations, provide housing subsidies to persons receiving services from the Department of Mental Health and Addiction Services who [require supervised living arrangements] qualify for supportive housing in accordance with section 17a-485c. The commissioner may allow an agency that distributes such housing subsidies on behalf of the department to utilize any unexpended moneys that remain at the end of the fiscal year to provide housing subsidies to eligible persons in the subsequent fiscal year.

Sec. 3. Section 17a-479 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

(a) The [purpose] purposes of the mental health regions shall be to establish a system of regionalized services for care and treatment of

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persons with psychiatric disabilities; to provide other community mental health services for the maintenance of mental health and the prevention of psychiatric disabilities in addition to those services already available; [] to recommend contracts to be made by the Commissioner of Mental Health and Addiction Services for services from providers of mental health services, including private agencies and other state or municipal agencies; and to provide or arrange for grants for demonstration and pilot programs, research, education and training.

(b) A person receiving services from the Department of Mental Health and Addiction Services may receive services outside the region in which such person resides.

Sec. 4. Section 17a-486 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

(a) Prior to the arraignment of a person charged [solely] with the commission of a misdemeanor or felony, the Department of Mental Health and Addiction Services shall, to the maximum extent possible within the limits of available appropriations, with the consent of the arrested person, cause a clinical assessment to be performed of any person who has previously received mental health services or treatment for substance abuse from the department or who would reasonably benefit from such services to determine whether such person should be referred for community-based mental health services. If the person is determined to be in need of such services and is willing to accept the services offered, the court shall be informed of the result of the assessment and the recommended treatment plan for consideration by the court in the disposition of the criminal case.

(b) Notwithstanding the provisions of section 52-146e, the Commissioner of Mental Health and Addiction Services may disclose to the person conducting the clinical assessment described in

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subsection (a) of this section information indicating whether or not the arrested person has received services from the Department of Mental Health and Addiction Services.

Sec. 5. Section 17a-694 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

(a) The Commissioner of Mental Health and Addiction Services or [his] the commissioner's designee shall appoint one or more clinical examiners to conduct examinations for alcohol or drug dependency ordered pursuant to the provisions of section 17a-693. Each examiner shall be authorized by the department to conduct independent evaluations.

(b) (1) The examiner shall determine whether the person being examined was an alcohol-dependent or drug-dependent person at the time of the crime. The commissioner shall disclose to the examiner information contained in the Department of Mental Health and Addiction Service's database concerning the date that the person received treatment for alcohol or drug dependence, if at all, and the location where such treatment was provided, for the purpose of allowing the examiner to request a release of treatment information from the department for the person.

(2) If such person is determined to have been dependent on alcohol or drugs, the examiner shall further determine [(1)] (A) the history and pattern of the dependency, and [(2)] (B) whether the person presently needs and is likely to benefit from treatment for the dependency. If the examiner determines that the person presently needs and is likely to benefit from treatment, [he] the examiner shall recommend treatment and state the date when space will be available in an appropriate treatment program, provided such date shall not be more than forty-five days from the date of the examination report. A recommendation for treatment shall include provisions for appropriate placement and

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the type and length of treatment and may include provisions for outpatient treatment.

(c) The examiner shall prepare and sign, without notarization, a written examination report and deliver it to the court, the Court Support Services Division, the state's attorney and defense counsel no later than thirty days after the examination was ordered. An examination report ordered pursuant to this section and section 17a-693 shall otherwise be confidential and not open to public inspection or subject to disclosure.

(d) No statement made by the person in the course of an examination under the provisions of this section may be admitted in evidence on the issue of guilt in a criminal proceeding concerning the person.

Sec. 6. Section 17a-456 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

There shall be a Board of Mental Health and Addiction Services that shall consist of: (1) Nineteen members appointed by the Governor, subject to the provisions of section 4-9a, five of whom shall have had experience in the field of substance abuse, five of whom shall be from the mental health community, three of whom shall be physicians licensed to practice medicine in this state who have had experience in the field of psychiatry, two of whom shall be psychologists licensed to practice in this state, two of whom shall be persons representing families of individuals with psychiatric disabilities, and two of whom shall be persons representing families of individuals recovering from substance abuse problems; (2) the chairmen of the regional mental health boards established pursuant to section 17a-484; (3) one designee of each such board; (4) two designees from each of the five subregions represented by the substance abuse subregional planning and action councils established pursuant to section 17a-671; (5) one designee from

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each mental health region established pursuant to section 17a-478, each of whom shall represent individuals with psychiatric disabilities, selected by such regional mental health boards in collaboration with advocacy groups; and (6) one designee from each of the five subregions represented by such substance abuse subregional planning and action councils, each of whom shall represent individuals recovering from substance abuse problems, selected by such substance abuse subregional planning and action councils in collaboration with advocacy groups. The members of the board shall serve without compensation except for necessary expenses incurred in performing their duties. The members of the board may include representatives of nongovernment organizations or groups, and of state agencies, concerned with planning, operation or utilization of facilities providing mental health and substance abuse services, including consumers and providers of such services who are familiar with the need for such services, except that no more than half of the members of the board shall be providers of such services. Appointed members shall serve on the board for terms of four years each and members who are designees shall serve on the board at the pleasure of the designating authority. No appointed member of the board shall be employed by the state or be a member of the staff of any institution for which such member's compensation is paid wholly by the state. [No appointed member may serve more than two successive terms plus the balance of any unexpired term to which such member has been appointed.] A majority of the board shall constitute a quorum.

Approved June 6, 2014