



General Assembly

**Substitute Bill No. 5145**

February Session, 2014



**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:

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2 to the general statutes is repealed and the following is substituted in  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

4 (n) (1) The commissioner shall specify uniform methods of keeping  
5 statistical information by: [public] (A) Public and private agencies,  
6 including agencies that operate institutions, as defined in section 19a-  
7 490, that provide care or treatment for psychiatric disabilities, alcohol  
8 or drug abuse or dependence, whether or not such agencies are  
9 operated or funded by the state; and (B) other organizations and  
10 individuals. [, including] Such methods shall include those for creating  
11 and maintaining a client identifier system. [, and] Such agencies,  
12 organizations and individuals shall collect and make available relevant  
13 statistical information, including the number of persons treated,  
14 demographic and clinical information about such persons, frequency  
15 of admission and readmission, frequency and duration of treatment,  
16 level or levels of care provided and discharge and referral information.  
17 [The commissioner shall also require all facilities that provide  
18 prevention or treatment of alcohol or drug abuse or dependence that  
19 are operated or funded by the state or licensed under sections 19a-490

20 to 19a-503, inclusive, to implement such methods.]

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

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

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 Section 17a-468a of the general statutes is repealed and the  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

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

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

45 (a) The [purpose] purposes of the mental health regions shall be to  
46 establish a system of regionalized services for care and treatment of  
47 persons with psychiatric disabilities; to provide other community  
48 mental health services for the maintenance of mental health and the  
49 prevention of psychiatric disabilities in addition to those services  
50 already available; [,] to recommend contracts to be made by the

51 Commissioner of Mental Health and Addiction Services for services  
52 from providers of mental health services, including private agencies  
53 and other state or municipal agencies; and to provide or arrange for  
54 grants for demonstration and pilot programs, research, education and  
55 training.

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

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

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

74 (b) Notwithstanding the provisions of section 52-146e, the  
75 Commissioner of Mental Health and Addiction Services may disclose  
76 to the person conducting the clinical assessment described in  
77 subsection (a) of this section information indicating whether or not the  
78 arrested person has received services from the Department of Mental  
79 Health and Addiction Services.

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

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

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

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

109 (c) The examiner shall prepare and sign, without notarization, a  
110 written examination report and deliver it to the court, the Court  
111 Support Services Division, the state's attorney and defense counsel no  
112 later than thirty days after the examination was ordered. An  
113 examination report ordered pursuant to this section and section 17a-  
114 693 shall otherwise be confidential and not open to public inspection

115 or subject to disclosure.

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

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

122 There shall be a Board of Mental Health and Addiction Services that  
123 shall consist of: (1) Nineteen members appointed by the Governor,  
124 subject to the provisions of section 4-9a, five of whom shall have had  
125 experience in the field of substance abuse, five of whom shall be from  
126 the mental health community, three of whom shall be physicians  
127 licensed to practice medicine in this state who have had experience in  
128 the field of psychiatry, two of whom shall be psychologists licensed to  
129 practice in this state, two of whom shall be persons representing  
130 families of individuals with psychiatric disabilities, and two of whom  
131 shall be persons representing families of individuals recovering from  
132 substance abuse problems; (2) the chairmen of the regional mental  
133 health boards established pursuant to section 17a-484; (3) one designee  
134 of each such board; (4) two designees from each of the five subregions  
135 represented by the substance abuse subregional planning and action  
136 councils established pursuant to section 17a-671; (5) one designee from  
137 each mental health region established pursuant to section 17a-478, each  
138 of whom shall represent individuals with psychiatric disabilities,  
139 selected by such regional mental health boards in collaboration with  
140 advocacy groups; and (6) one designee from each of the five  
141 subregions represented by such substance abuse subregional planning  
142 and action councils, each of whom shall represent individuals  
143 recovering from substance abuse problems, selected by such substance  
144 abuse subregional planning and action councils in collaboration with  
145 advocacy groups. The members of the board shall serve without  
146 compensation except for necessary expenses incurred in performing  
147 their duties. The members of the board may include representatives of

148 nongovernment organizations or groups, and of state agencies,  
149 concerned with planning, operation or utilization of facilities  
150 providing mental health and substance abuse services, including  
151 consumers and providers of such services who are familiar with the  
152 need for such services, except that no more than half of the members of  
153 the board shall be providers of such services. Appointed members  
154 shall serve on the board for terms of four years each and members who  
155 are designees shall serve on the board at the pleasure of the  
156 designating authority. No appointed member of the board shall be  
157 employed by the state or be a member of the staff of any institution for  
158 which such member's compensation is paid wholly by the state. [No  
159 appointed member may serve more than two successive terms plus the  
160 balance of any unexpired term to which such member has been  
161 appointed.] A majority of the board shall constitute a quorum.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2014</i>	17a-451(n)
Sec. 2	<i>October 1, 2014</i>	17a-468a
Sec. 3	<i>October 1, 2014</i>	17a-479
Sec. 4	<i>October 1, 2014</i>	17a-486
Sec. 5	<i>October 1, 2014</i>	17a-694
Sec. 6	<i>October 1, 2014</i>	17a-456

**Statement of Legislative Commissioners:**

In section 1(n)(2), "agency that operates a licensed" was inserted after "report any", for clarity and internal consistency and in section 3(a), "purpose" was changed to "purposes" for accuracy and correct grammar.

**PH**      *Joint Favorable Subst.*