

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 14-138—sHB 5145
Public Health Committee
Appropriations Committee

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

SUMMARY: This act makes several changes in mental health and addiction services (DMHAS) statutes. Among other things, it:

1. codifies existing practice by allowing DMHAS clients to receive services outside the designated mental health region where they live (§ 3);
2. codifies existing practice by requiring DMHAS, within available appropriations, to assess certain people charged with felonies to determine whether they should be referred for community-based mental health services (§ 4);
3. increases information sharing concerning such arrestees and certain other people in the criminal justice system who may need treatment (§§ 4 & 5);
4. removes term limits for appointed members of the Board of Mental Health and Addiction Services (§ 6); and
5. specifies that all private agencies treating psychiatric disabilities or substance abuse, regardless of whether they are state-funded, must comply with the commissioner's data collection requirements (§ 1, but this section was repealed by PA 14-231).

Section 2 is identical to a provision in PA 14-217 that took effect earlier (upon passage rather than October 1, 2014). This section gives the DMHAS commissioner the authority to permit agencies who distribute housing subsidies on the department's behalf, under the state's permanent supportive housing initiative, to use any unspent money for the same purpose in the following fiscal year.

The act also makes technical changes.

EFFECTIVE DATE: October 1, 2014

§ 4 — PRE-ARRAIGNMENT ASSESSMENT

Existing law requires DMHAS, to the maximum extent possible within available appropriations, to clinically assess certain people charged with misdemeanors, before they are arraigned. The act codifies current practice by also requiring such assessments for people charged with felonies.

As under existing law, DMHAS must conduct these assessments only if the person (1) consents and (2) previously received, or would reasonably benefit from receiving, DMHAS mental health services or substance abuse treatment. The

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assessment determines whether the person should be referred to community-based mental health services. If DMHAS determines that the person needs services and he or she accepts them, the department must inform the court of the assessment and recommended treatment plan for its consideration in disposing of the case.

For both felony and misdemeanor arrests, the act allows DMHAS to disclose, to the person conducting the assessment, information on whether the arrested person has received DMHAS services.

§ 5 — EXAMINATION FOR ALCOHOL OR DRUG DEPENDENCY

By law, courts can order someone charged with a crime or awaiting sentencing to be examined for alcohol or drug dependency to determine whether the person needs treatment. DMHAS must appoint clinical examiners to conduct these examinations.

The act requires DMHAS to disclose to such examiners information in the department's database concerning the date and location of any treatment the person received for alcohol or drug dependence, so the examiner can request from DMHAS a release of treatment information.

§ 6 — BOARD OF MENTAL HEALTH AND ADDICTION SERVICES

The act removes term limits for the 19 appointed members of the Board of Mental Health and Addiction Services. Under prior law, an appointed member could not serve more than two successive four-year terms in addition to the balance of any unexpired term remaining when he or she was appointed.

By law, the board's duties include, among other things, advising the DMHAS commissioner on department programs, policies, and plans.

§ 1 — DATA COLLECTION

By law, the DHMAS commissioner must specify uniform methods for keeping statistical information for public and private agencies, including a client identifier system. The act specifies that these methods apply to all public and private agencies that provide care or treatment for psychiatric disabilities or alcohol or drug abuse or dependence, including those that are not state-operated or state-funded.

The act also specifies that the agencies or others involved in such treatment, and not the commissioner, must collect relevant statistical information and make it available. The act requires them to report the information to DMHAS, in the form and manner the commissioner prescribes and upon her request. By law, this information includes the number of people treated, demographic and clinical information, frequency of admission and readmission, frequency and duration of treatment, level of care provided, and discharge and referral information.

(This section was repealed by PA 14-231, § 71.)

BACKGROUND

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Related Act

PA 14-46 adds to the agencies with whom DMHAS must collaborate in administering the supportive housing initiative and gives the agencies more discretion in determining eligibility under the program.

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