



General Assembly

January Session, 2015

Committee Bill No. 5528

LCO No. 5789



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Referred to Committee on PUBLIC HEALTH

Introduced by:
(PH)

AN ACT CONCERNING THE PROVISION OF BEHAVIORAL HEALTH SERVICES.

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

1 Section 1. (NEW) (*Effective July 1, 2015*) (a) There is established a
2 behavioral health professional incentive program to be administered
3 by the Department of Public Health.

4 (b) Such program shall provide a grant to any person (1) who is a
5 (A) psychiatrist licensed under chapter 370 of the general statutes, (B)
6 psychologist licensed under chapter 383 of the general statutes, who
7 holds a doctorate degree, (C) licensed clinical social worker or licensed
8 master social worker licensed under chapter 383b of the general
9 statutes, (D) advanced practice registered nurse licensed under chapter
10 378 of the general statutes, who provides psychiatric services, (E)
11 marital and family therapist licensed under chapter 383a of the general
12 statutes, or (F) professional counselor licensed under chapter 383c of
13 the general statutes; (2) whose patients consist of not less than (A) fifty
14 per cent children, adolescents or families, (B) twenty-five per cent
15 Medicaid recipients, and (C) twenty-five per cent who use health
16 insurance to pay for services; (3) who is not participating in the United

17 States Department of Health and Human Services' National Health
18 Service Corps program; and (4) who practices in any of the counties or
19 municipalities in Connecticut designated as health professional
20 shortage areas by the United States Department of Health and Human
21 Services' Health Resources and Services Administration.

22 (c) A person who is a psychiatrist and receives a grant under this
23 section shall be eligible for reimbursement of educational loans up to a
24 maximum of seventy-five thousand dollars. Any person other than a
25 psychiatrist who receives a grant under this section shall be eligible for
26 reimbursement of educational loans up to a maximum of fifty
27 thousand dollars. The department shall distribute such grants over a
28 five-year period and the amount shall increase each year during the
29 five-year period.

30 Sec. 2. (*Effective July 1, 2015*) (a) For the purposes described in
31 subsection (b) of this section, the State Bond Commission shall have
32 the power from time to time to authorize the issuance of bonds of the
33 state in one or more series and in principal amounts not exceeding in
34 the aggregate two million dollars.

35 (b) The proceeds of the sale of such bonds, to the extent of the
36 amount stated in subsection (a) of this section, shall be used by the
37 Department of Public Health for the purpose of the behavioral health
38 professional incentive program established pursuant to section 1 of
39 this act.

40 (c) All provisions of section 3-20 of the general statutes, or the
41 exercise of any right or power granted thereby, that are not
42 inconsistent with the provisions of this section are hereby adopted and
43 shall apply to all bonds authorized by the State Bond Commission
44 pursuant to this section. Temporary notes in anticipation of the money
45 to be derived from the sale of any such bonds so authorized may be
46 issued in accordance with section 3-20 of the general statutes and from
47 time to time renewed. Such bonds shall mature at such time or times
48 not exceeding twenty years from their respective dates as may be

49 provided in or pursuant to the resolution or resolutions of the State
50 Bond Commission authorizing such bonds. None of such bonds shall
51 be authorized except upon a finding by the State Bond Commission
52 that there has been filed with it a request for such authorization that is
53 signed by or on behalf of the Secretary of the Office of Policy and
54 Management and states such terms and conditions as said commission,
55 in its discretion, may require. Such bonds issued pursuant to this
56 section shall be general obligations of the state and the full faith and
57 credit of the state of Connecticut are pledged for the payment of the
58 principal of and interest on such bonds as the same become due, and
59 accordingly and as part of the contract of the state with the holders of
60 such bonds, appropriation of all amounts necessary for punctual
61 payment of such principal and interest is hereby made, and the State
62 Treasurer shall pay such principal and interest as the same become
63 due.

64 Sec. 3. (NEW) (*Effective July 1, 2015*) (a) The Department of Public
65 Health shall establish a behavioral health grant program for the
66 purpose of assisting local and regional boards of education with
67 employing or contracting for the services of a licensed clinical social
68 worker or a licensed master social worker, licensed under chapter 383b
69 of the general statutes, or a psychologist, licensed under chapter 383 of
70 the general statutes. To be eligible for a grant under the program, the
71 local or regional board of education shall be located in a Connecticut
72 health professional shortage area designated by the United States
73 Department of Health and Human Services' Health Resources and
74 Services Administration and shall partner with one or more other such
75 boards in applying for such grant. The commissioner shall award
76 grants to fund up to five full-time social worker or psychologist
77 positions for a two-year period.

78 (b) The Commissioner of Public Health shall solicit grant
79 applications from local and regional boards of education located in the
80 health professional shortage areas, which shall be submitted annually
81 to the commissioner at such time and on such forms as the

82 commissioner prescribes. Applications shall be submitted jointly by
83 two or more boards of education. In determining whether the boards
84 of education submitting applications shall be granted funds pursuant
85 to this section, the commissioner shall consider the following factors:
86 (1) The local or regional boards of education's ratio of school
87 psychologists or social workers to students; and (2) evidence of the
88 need for behavioral health services by children and adolescents in the
89 local communities served by the boards of education.

90 (c) If the commissioner finds that any board of education uses a
91 grant received under this section for purposes other than those which
92 are in conformity with the purposes of this section, the commissioner
93 may require repayment of such grant to the state.

94 Sec. 4. Section 17a-20a of the general statutes is repealed and the
95 following is substituted in lieu thereof (*Effective July 1, 2015*):

96 (a) Not later than January 1, 2014, the Commissioner of Children
97 and Families shall establish and implement, in consultation with the
98 Commissioner of Mental Health and Addiction Services, a regional
99 behavioral health consultation and care coordination program for
100 primary care providers who serve children and young adults up to age
101 twenty-five. Such program shall provide to such primary care
102 providers: (1) Timely access to a consultation team that includes a child
103 psychiatrist, social worker and a care coordinator; (2) patient care
104 coordination and transitional services for behavioral health care; and
105 (3) training and education concerning patient access to behavioral
106 health services. [Said commissioner] The Commissioner of Children
107 and Families may enter into a contract for services to administer such
108 program.

109 (b) Not later than October 1, 2013, [said commissioner] the
110 Commissioner of Children and Families shall submit a plan, in
111 accordance with the provisions of section 11-4a, to the joint standing
112 committees of the General Assembly having cognizance of matters
113 relating to public health, children, human services and appropriations

114 concerning the program to be established pursuant to subsection (a) of
115 this section.

116 (c) The Commissioner of Children and Families may adopt
117 regulations, in accordance with the provisions of chapter 54, to
118 implement the provisions of this section.

119 Sec. 5. (NEW) (*Effective July 1, 2015*) The Commissioner of Public
120 Health shall, in consultation with the Commissioners of Children and
121 Families and Mental Health and Addiction Services, annually publish
122 an informational notice for providers of behavioral health services
123 concerning the communication of health care information to other
124 providers of behavioral health and other health care services to ensure
125 a continuity of health care services and compliance with state and
126 federal laws to protect patient privacy. Such informational notice shall
127 be posted on the Internet web sites of the Department of Mental Health
128 and Addiction Services, the Department of Children and Families and
129 the Department of Public Health. The Commissioner of Mental Health
130 and Addiction Services shall also distribute such informational notices
131 to providers of mental health services by facsimile or electronic mail.

132 Sec. 6. (*Effective from passage*) (a) The Commissioner of Public Health,
133 in consultation with the Commissioner of Education, shall study the
134 potential advantages of licensing board certified behavior analysts, as
135 defined in section 20-185i of the general statutes, and assistant
136 behavior analysts, who are credentialed by the Behavior Analyst
137 Certification Board. Said commissioners shall also study the inclusion
138 of board certified behavior analysts and assistant behavior analysts in
139 school special education planning and placement teams, as described
140 in section 10-76d of the general statutes.

141 (b) Not later than October 1, 2015, the Commissioner of Public
142 Health shall report, in accordance with the provisions of section 11-4a
143 of the general statutes, concerning the results of such study to the joint
144 standing committees of the General Assembly having cognizance of
145 matters relating to public health and education. Such report shall

146 include, but need not be limited to, recommendations concerning: (1)
147 Any new licensure or certification categories relating to behavioral
148 analysis; (2) inclusion of board certified behavior analysts or assistant
149 behavior analysts on special education planning placement teams; and
150 (3) incentives for persons to enter the field of behavior analysis.

151 Sec. 7. (NEW) (*Effective July 1, 2015*) (a) There is established within
152 the Department of Public Health a grant program to provide funds to
153 local and regional boards of education and school-based health centers
154 for the purchase of telemedicine equipment and software. A board of
155 education or school-based health center eligible for a grant under the
156 program shall (1) enter into an agreement with one or more: (A)
157 Psychiatrists, licensed under chapter 370 of the general statutes; (B)
158 licensed clinical social workers or licensed master social workers,
159 licensed under chapter 383b of the general statutes; (C) psychologists,
160 licensed under chapter 383 of the general statutes; or (D) another
161 person licensed to provide behavioral health services approved by the
162 Commissioner of Public Health, who are trained and experienced in
163 the use of telemedicine, to provide behavioral health services through
164 the use of telemedicine equipment to students in the school district,
165 and (2) meet any data reporting requirements established by the
166 Commissioner of Public Health.

167 (b) The Commissioner of Public Health, in consultation with the
168 Commissioners of Education and Children and Families, shall
169 establish a streamlined application process for the grant program. Any
170 board of education or school-based health center meeting the eligibility
171 criteria in subsection (a) of this section may apply to said program. The
172 Commissioner of Public Health may establish reporting requirements
173 for boards of education and school-based health centers receiving
174 grants under the program.

175 Sec. 8. (NEW) (*Effective July 1, 2015*) (a) For the purposes described
176 in subsection (b) of this section, the State Bond Commission shall have
177 the power, from time to time, to authorize the issuance of bonds of the

178 state in one or more series and in principal amounts not exceeding in
179 the aggregate two hundred fifty thousand dollars.

180 (b) The proceeds of the sale of said bonds, to the extent of the
181 amount stated in subsection (a) of this section, shall be used by the
182 Department of Public Health for the purpose of providing grants
183 under the program established in section 7 of this act.

184 (c) All provisions of section 3-20 of the general statutes, or the
185 exercise of any right or power granted thereby that are not inconsistent
186 with the provisions of this section are hereby adopted and shall apply
187 to all bonds authorized by the State Bond Commission pursuant to this
188 section, and temporary notes in anticipation of the money to be
189 derived from the sale of any such bonds so authorized may be issued
190 in accordance with said section 3-20 of the general statutes and from
191 time to time renewed. Such bonds shall mature at such time or times
192 not exceeding twenty years from their respective dates as may be
193 provided in or pursuant to the resolution or resolutions of the State
194 Bond Commission authorizing such bonds. None of said bonds shall
195 be authorized except upon a finding by the State Bond Commission
196 that there has been filed with it a request for such authorization, which
197 is signed by or on behalf of the Secretary of the Office of Policy and
198 Management and states such terms and conditions as said commission,
199 in its discretion, may require. Said bonds issued pursuant to this
200 section shall be general obligations of the state and the full faith and
201 credit of the state of Connecticut are pledged for the payment of the
202 principal of and interest on said bonds as the same become due, and
203 accordingly and as part of the contract of the state with the holders of
204 said bonds, appropriation of all amounts necessary for punctual
205 payment of such principal and interest is hereby made, and the
206 Treasurer shall pay such principal and interest as the same become
207 due.

208 Sec. 9. (NEW) (*Effective July 1, 2015*) Not later than January 1, 2016,
209 and annually thereafter, the Commissioner of Public Health shall

210 submit a report, in accordance with the provisions of section 11-4a of
211 the general statutes, to the joint standing committees of the General
212 Assembly having cognizance of matters relating to finance, revenue
213 and bonding, appropriations, public health and education. Such report
214 shall include, but need not be limited to, (1) the number of local and
215 regional boards of education that applied for a grant under the
216 program described in section 7 of this act, (2) the number of boards of
217 education that received a grant under such program, and (3) the
218 amount of each such grant.

219 Sec. 10. (NEW) (*Effective January 1, 2016*) As used in this section and
220 sections 11 to 16, inclusive, of this act:

221 (1) "Behavior analysis" means the design, implementation and
222 evaluation of environmental modifications, using behavior stimuli and
223 consequences, including the use of direct observation, measurement
224 and functional analysis of the relationship between the environment
225 and behavior, to produce socially significant improvement in human
226 behavior but does not include: (A) Psychological testing, (B)
227 neuropsychology, (C) cognitive therapy, (D) sex therapy, (E)
228 psychoanalysis, (F) hypnotherapy, (G) cognitive behavioral therapy,
229 (H) psychotherapy, or (I) long-term counseling as treatment
230 modalities;

231 (2) "Behavior analyst" means a person who is licensed to practice
232 behavior analysis under the provisions of sections 11 to 15, inclusive,
233 of this act;

234 (3) "Assistant behavior analyst" means a person who is licensed to
235 assist in the practice of behavior analysis under the supervision of, or
236 in consultation with, a behavior analyst; and

237 (4) "Behavior Analyst Certification Board" has the same meaning as
238 defined in section 20-185i of the general statutes, or a successor of said
239 board.

240 Sec. 11. (NEW) (*Effective January 1, 2016*) (a) No person may practice
241 behavior analysis or assist in the practice of behavior analysis unless
242 licensed pursuant to sections 12 and 13 of this act.

243 (b) No person may use the title "behavior analyst", "assistant
244 behavior analyst" or make use of any title, words, letters or
245 abbreviations that may reasonably be confused with licensure as a
246 behavior analyst or assistant behavior analyst unless such person is
247 licensed pursuant to sections 12 or 13 of this act.

248 (c) The provisions of this section shall not apply to a person who (1)
249 provides behavior analysis or assists in the practice of behavior
250 analysis while acting within the scope of practice of the person's
251 license and training, provided the person does not hold himself or
252 herself out to the public as a behavior analyst or assistant behavior
253 analyst, (2) is a student enrolled in a behavior analysis educational
254 program accredited by the Behavior Analyst Certification Board, or a
255 graduate education program in which behavior analysis is an integral
256 part of the student's course of study and such student is performing
257 such behavior analysis or assisting in behavior analysis under the
258 direct supervision of a licensed behavior analyst, or (3) is an instructor
259 in a course approved by the Behavior Analyst Certification Board.

260 Sec. 12. (NEW) (*Effective January 1, 2016*) (a) The Commissioner of
261 Public Health shall grant a license as a behavior analyst to any
262 applicant who furnishes evidence satisfactory to the commissioner that
263 such applicant is certified as a behavior analyst by the Behavior
264 Analyst Certification Board. The commissioner shall develop and
265 provide application forms. The application fee shall be three hundred
266 fifty dollars.

267 (b) Licenses issued under this section may be renewed biannually.
268 The fee for such renewal shall be one hundred seventy-five dollars.
269 Each behavior analyst applying for license renewal shall furnish
270 evidence satisfactory to the commissioner of having current
271 certification with the Behavior Analyst Certification Board.

272 Sec. 13. (NEW) (*Effective January 1, 2016*) (a) The Commissioner of
273 Public Health shall grant a license as an assistant behavior analyst to
274 any applicant who furnishes evidence satisfactory to the commissioner
275 that such applicant is certified as an assistant behavior analyst by the
276 Behavior Analyst Certification Board. The commissioner shall develop
277 and provide application forms. The application fee shall be three
278 hundred fifty dollars.

279 (b) Licenses issued under this section may be renewed biannually.
280 The fee for such renewal shall be one hundred seventy-five dollars.
281 Each assistant behavior analyst applying for license renewal shall
282 furnish evidence satisfactory to the commissioner of having current
283 certification with the Behavior Analyst Certification Board.

284 Sec. 14. (NEW) (*Effective January 1, 2016*) (a) Except as provided in
285 subsection (b) of this section, an applicant for a license as a behavior
286 analyst or assistant behavior analyst shall submit evidence satisfactory
287 to the Commissioner of Public Health of having earned a certification
288 as a behavior analyst or assistant behavior analyst from the Behavior
289 Analyst Certification Board.

290 (b) An applicant for licensure by endorsement shall present
291 evidence satisfactory to the commissioner that the applicant is licensed
292 or certified as a behavior analyst or assistant behavior analyst, or as a
293 person entitled to perform similar services under a different
294 designation, in another state or jurisdiction that has requirements for
295 practicing in such capacity that are substantially similar to, or higher
296 than, those of this state and that there are no disciplinary actions or
297 unresolved complaints pending.

298 Sec. 15. (NEW) (*Effective January 1, 2016*) The Commissioner of
299 Public Health may take any disciplinary action set forth in section 19a-
300 17 of the general statutes against a behavior analyst or assistant
301 behavior analyst for any of the following reasons: (1) Failure to
302 conform to the accepted standards of the profession; (2) conviction of a
303 felony; (3) fraud or deceit in obtaining or seeking reinstatement of a

304 license to practice behavior analysis; (4) fraud or deceit in the practice
305 of behavior analysis; (5) negligent, incompetent or wrongful conduct in
306 professional activities; (6) physical, mental or emotional illness or
307 disorder resulting in an inability to conform to the accepted standards
308 of the profession; (7) alcohol or substance abuse; or (8) wilful
309 falsification of entries in any hospital, patient or other record
310 pertaining to behavior analysis. The commissioner may order a license
311 holder to submit to a reasonable physical or mental examination if his
312 or her physical or mental capacity to practice safely is the subject of an
313 investigation. The commissioner may petition the superior court for
314 the judicial district of Hartford to enforce such order or any action
315 taken pursuant to section 19a-17 of the general statutes. The
316 commissioner shall give notice and an opportunity to be heard on any
317 contemplated action under section 19a-17 of the general statutes.

318 Sec. 16. Subsection (c) of section 19a-14 of the general statutes is
319 repealed and the following is substituted in lieu thereof (*Effective*
320 *January 1, 2016*):

321 (c) No board shall exist for the following professions that are
322 licensed or otherwise regulated by the Department of Public Health:

323 (1) Speech and language pathologist and audiologist;

324 (2) Hearing instrument specialist;

325 (3) Nursing home administrator;

326 (4) Sanitarian;

327 (5) Subsurface sewage system installer or cleaner;

328 (6) Marital and family therapist;

329 (7) Nurse-midwife;

330 (8) Licensed clinical social worker;

- 331 (9) Respiratory care practitioner;
- 332 (10) Asbestos contractor and asbestos consultant;
- 333 (11) Massage therapist;
- 334 (12) Registered nurse's aide;
- 335 (13) Radiographer;
- 336 (14) Dental hygienist;
- 337 (15) Dietitian-Nutritionist;
- 338 (16) Asbestos abatement worker;
- 339 (17) Asbestos abatement site supervisor;
- 340 (18) Licensed or certified alcohol and drug counselor;
- 341 (19) Professional counselor;
- 342 (20) Acupuncturist;
- 343 (21) Occupational therapist and occupational therapist assistant;
- 344 (22) Lead abatement contractor, lead consultant contractor, lead
345 consultant, lead abatement supervisor, lead abatement worker,
346 inspector and planner-project designer;
- 347 (23) Emergency medical technician, advanced emergency medical
348 technician, emergency medical responder and emergency medical
349 services instructor;
- 350 (24) Paramedic;
- 351 (25) Athletic trainer;
- 352 (26) Perfusionist;

353 (27) Master social worker subject to the provisions of section 20-
354 195v;

355 (28) Radiologist assistant, subject to the provisions of section 20-74tt;

356 (29) Homeopathic physician;

357 (30) Certified water treatment plant operator, certified distribution
358 system operator, certified small water system operator, certified
359 backflow prevention device tester and certified cross connection
360 survey inspector, including certified limited operators, certified
361 conditional operators and certified operators in training; [and]

362 (31) Tattoo technician;

363 (32) Behavior analyst; and

364 (33) Assistant behavior analyst.

365 The department shall assume all powers and duties normally vested
366 with a board in administering regulatory jurisdiction over such
367 professions. The uniform provisions of this chapter and chapters 368v,
368 369 to 381a, inclusive, 383 to 388, inclusive, 393a, 395, 398, 399, 400a
369 and 400c, including, but not limited to, standards for entry and
370 renewal; grounds for professional discipline; receiving and processing
371 complaints; and disciplinary sanctions, shall apply, except as otherwise
372 provided by law, to the professions listed in this subsection.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2015</i>	New section
Sec. 2	<i>July 1, 2015</i>	New section
Sec. 3	<i>July 1, 2015</i>	New section
Sec. 4	<i>July 1, 2015</i>	17a-20a
Sec. 5	<i>July 1, 2015</i>	New section
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>July 1, 2015</i>	New section

Sec. 8	July 1, 2015	New section
Sec. 9	July 1, 2015	New section
Sec. 10	January 1, 2016	New section
Sec. 11	January 1, 2016	New section
Sec. 12	January 1, 2016	New section
Sec. 13	January 1, 2016	New section
Sec. 14	January 1, 2016	New section
Sec. 15	January 1, 2016	New section
Sec. 16	January 1, 2016	19a-14(c)

Statement of Purpose:

To make changes to the general statutes regarding the provision of behavioral health services.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. CONROY, 105th Dist.; REP. SAYERS, 60th Dist.
REP. COOK, 65th Dist.; REP. JOHNSON, 49th Dist.
REP. STANSKY, 119th Dist.

HB. 5528