



General Assembly

Substitute Bill No. 5528

January Session, 2015



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 (1) licensed clinical social
68 worker or a licensed master social worker, licensed under chapter 383b
69 of the general statutes, or (2) psychologist, licensed under chapter 383
70 of the general statutes. To be eligible for a grant under the program,
71 the local or regional board of education shall be located in a
72 Connecticut health professional shortage area designated by the
73 United States Department of Health and Human Services' Health
74 Resources and Services Administration and shall partner with one or
75 more other such boards in applying for such grant. The commissioner
76 shall award grants to fund up to five full-time social worker or
77 psychologist 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-six. 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) other persons
161 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 and school-based health centers that
216 applied for a grant under the program described in section 7 of this act,
217 (2) the number of boards of education and school-based health centers
218 that received a grant under such program, and (3) the amount of each
219 such grant.

220 Sec. 10. (NEW) (*Effective January 1, 2016*) As used in this section,
221 sections 11 to 15, inclusive, of this act and section 19a-14 of the general
222 statutes, as amended by this act:

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

233 (2) "Behavior analyst" means a person who is licensed to practice
234 behavior analysis under the provisions of section 11, 12 or 14 of this
235 act;

236 (3) "Assistant behavior analyst" means a person who is licensed to
237 assist in the practice of behavior analysis under the supervision of, or
238 in consultation with, a behavior analyst under the provisions of section
239 11, 13 or 14 of this act; and

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

243 Sec. 11. (NEW) (*Effective January 1, 2016*) (a) No person may practice
244 behavior analysis or assist in the practice of behavior analysis unless

245 licensed pursuant to section 12, 13 or 14 of this act.

246 (b) No person may use the title "behavior analyst", "assistant
247 behavior analyst" or make use of any title, words, letters or
248 abbreviations that may reasonably be confused with licensure as a
249 behavior analyst or assistant behavior analyst unless such person is
250 licensed pursuant to section 12, 13 or 14 of this act.

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

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

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

275 Sec. 13. (NEW) (*Effective January 1, 2016*) (a) The Commissioner of

276 Public Health shall grant a license as an assistant behavior analyst to
277 any applicant who furnishes evidence satisfactory to the commissioner
278 that such applicant is certified as an assistant behavior analyst by the
279 Behavior Analyst Certification Board. The commissioner shall develop
280 and provide application forms. The application fee shall be three
281 hundred fifty dollars.

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

287 Sec. 14. (NEW) (*Effective January 1, 2016*) A person may apply for
288 licensure by endorsement as a behavior analyst or assistant behavior
289 analyst. Such applicant shall present evidence satisfactory to the
290 commissioner that the applicant is licensed or certified as a behavior
291 analyst or assistant behavior analyst, or as a person entitled to perform
292 similar services under a different designation, in another state or
293 jurisdiction that has requirements for practicing in such capacity that
294 are substantially similar to, or higher than, those of this state and that
295 there are no disciplinary actions or unresolved complaints pending.

296 Sec. 15. (NEW) (*Effective January 1, 2016*) The Commissioner of
297 Public Health may take any disciplinary action set forth in section 19a-
298 17 of the general statutes against a behavior analyst or assistant
299 behavior analyst for any of the following reasons: (1) Failure to
300 conform to the accepted standards of the profession; (2) conviction of a
301 felony; (3) fraud or deceit in obtaining or seeking reinstatement of a
302 license to practice behavior analysis; (4) fraud or deceit in the practice
303 of behavior analysis; (5) negligent, incompetent or wrongful conduct in
304 professional activities; (6) physical, mental or emotional illness or
305 disorder resulting in an inability to conform to the accepted standards
306 of the profession; (7) alcohol or substance abuse; or (8) wilful
307 falsification of entries in any hospital, patient or other record
308 pertaining to behavior analysis. The commissioner may order a license

309 holder to submit to a reasonable physical or mental examination if his
310 or her physical or mental capacity to practice safely is the subject of an
311 investigation. The commissioner may petition the superior court for
312 the judicial district of Hartford to enforce such order or any action
313 taken pursuant to section 19a-17 of the general statutes. The
314 commissioner shall give notice and an opportunity to be heard on any
315 contemplated action under section 19a-17 of the general statutes.

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

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

321 (1) Speech and language pathologist and audiologist;

322 (2) Hearing instrument specialist;

323 (3) Nursing home administrator;

324 (4) Sanitarian;

325 (5) Subsurface sewage system installer or cleaner;

326 (6) Marital and family therapist;

327 (7) Nurse-midwife;

328 (8) Licensed clinical social worker;

329 (9) Respiratory care practitioner;

330 (10) Asbestos contractor and asbestos consultant;

331 (11) Massage therapist;

332 (12) Registered nurse's aide;

- 333 (13) Radiographer;
- 334 (14) Dental hygienist;
- 335 (15) Dietitian-Nutritionist;
- 336 (16) Asbestos abatement worker;
- 337 (17) Asbestos abatement site supervisor;
- 338 (18) Licensed or certified alcohol and drug counselor;
- 339 (19) Professional counselor;
- 340 (20) Acupuncturist;
- 341 (21) Occupational therapist and occupational therapist assistant;
- 342 (22) Lead abatement contractor, lead consultant contractor, lead
343 consultant, lead abatement supervisor, lead abatement worker,
344 inspector and planner-project designer;
- 345 (23) Emergency medical technician, advanced emergency medical
346 technician, emergency medical responder and emergency medical
347 services instructor;
- 348 (24) Paramedic;
- 349 (25) Athletic trainer;
- 350 (26) Perfusionist;
- 351 (27) Master social worker subject to the provisions of section 20-
352 195v;
- 353 (28) Radiologist assistant, subject to the provisions of section 20-74tt;
- 354 (29) Homeopathic physician;
- 355 (30) Certified water treatment plant operator, certified distribution

356 system operator, certified small water system operator, certified
 357 backflow prevention device tester and certified cross connection
 358 survey inspector, including certified limited operators, certified
 359 conditional operators and certified operators in training; [and]

360 (31) Tattoo technician;

361 (32) Behavior analyst; and

362 (33) Assistant behavior analyst.

363 The department shall assume all powers and duties normally vested
 364 with a board in administering regulatory jurisdiction over such
 365 professions. The uniform provisions of this chapter and chapters 368v,
 366 369 to 381a, inclusive, 383 to 388, inclusive, 393a, 395, 398, 399, 400a
 367 and 400c, including, but not limited to, standards for entry and
 368 renewal; grounds for professional discipline; receiving and processing
 369 complaints; and disciplinary sanctions, shall apply, except as otherwise
 370 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	July 1, 2015	New section
Sec. 2	July 1, 2015	New section
Sec. 3	July 1, 2015	New section
Sec. 4	July 1, 2015	17a-20a
Sec. 5	July 1, 2015	New section
Sec. 6	from passage	New section
Sec. 7	July 1, 2015	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 Legislative Commissioners:

In Section 9(1) and (2), "and school-based health centers" was added for internal consistency; in Section 10 "this section and sections 11 to 16, inclusive, of this act" was changed to "this section, sections 11 to 15, inclusive, of this act and section 19a-14 of the general statutes, as amended by this act" for accuracy; in Section 10(2), "sections 11 to 15, inclusive" was changed to "sections 11, 12 or 14" for accuracy; in Section 10(3) "under the provisions of section 11, 13 or 14 of this act" was added for clarity and internal consistency; in Section 11(a) "sections 12 and 13" was changed to "section 12, 13 or 14" for accuracy; in Section 11(b) "sections 12 or 13" was changed to "section 12, 13 or 14" for accuracy; in Sections 12(b) and 13(b), "biannually" was changed to "biennially" for accuracy; and in Section 14 "licensure by endorsement" was changed to "licensure by endorsement as a behavior analyst or assistant behavior analyst" for clarity.

PH *Joint Favorable Subst.*