

**Proposed Substitute  
Bill No. 5528**

LCO No. 5911

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

293 Sec. 15. (NEW) (*Effective January 1, 2016*) The Commissioner of  
294 Public Health may take any disciplinary action set forth in section 19a-  
295 17 of the general statutes against a behavior analyst or assistant  
296 behavior analyst for any of the following reasons: (1) Failure to  
297 conform to the accepted standards of the profession; (2) conviction of a  
298 felony; (3) fraud or deceit in obtaining or seeking reinstatement of a  
299 license to practice behavior analysis; (4) fraud or deceit in the practice  
300 of behavior analysis; (5) negligent, incompetent or wrongful conduct in  
301 professional activities; (6) physical, mental or emotional illness or  
302 disorder resulting in an inability to conform to the accepted standards  
303 of the profession; (7) alcohol or substance abuse; or (8) wilful  
304 falsification of entries in any hospital, patient or other record  
305 pertaining to behavior analysis. The commissioner may order a license  
306 holder to submit to a reasonable physical or mental examination if his  
307 or her physical or mental capacity to practice safely is the subject of an  
308 investigation. The commissioner may petition the superior court for  
309 the judicial district of Hartford to enforce such order or any action  
310 taken pursuant to section 19a-17 of the general statutes. The

311 commissioner shall give notice and an opportunity to be heard on any  
312 contemplated action under section 19a-17 of the general statutes.

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314 repealed and the following is substituted in lieu thereof (*Effective*  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

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

318 (1) Speech and language pathologist and audiologist;

319 (2) Hearing instrument specialist;

320 (3) Nursing home administrator;

321 (4) Sanitarian;

322 (5) Subsurface sewage system installer or cleaner;

323 (6) Marital and family therapist;

324 (7) Nurse-midwife;

325 (8) Licensed clinical social worker;

326 (9) Respiratory care practitioner;

327 (10) Asbestos contractor and asbestos consultant;

328 (11) Massage therapist;

329 (12) Registered nurse's aide;

330 (13) Radiographer;

331 (14) Dental hygienist;

332 (15) Dietitian-Nutritionist;

333 (16) Asbestos abatement worker;

- 334 (17) Asbestos abatement site supervisor;
- 335 (18) Licensed or certified alcohol and drug counselor;
- 336 (19) Professional counselor;
- 337 (20) Acupuncturist;
- 338 (21) Occupational therapist and occupational therapist assistant;
- 339 (22) Lead abatement contractor, lead consultant contractor, lead  
340 consultant, lead abatement supervisor, lead abatement worker,  
341 inspector and planner-project designer;
- 342 (23) Emergency medical technician, advanced emergency medical  
343 technician, emergency medical responder and emergency medical  
344 services instructor;
- 345 (24) Paramedic;
- 346 (25) Athletic trainer;
- 347 (26) Perfusionist;
- 348 (27) Master social worker subject to the provisions of section 20-  
349 195v;
- 350 (28) Radiologist assistant, subject to the provisions of section 20-74tt;
- 351 (29) Homeopathic physician;
- 352 (30) Certified water treatment plant operator, certified distribution  
353 system operator, certified small water system operator, certified  
354 backflow prevention device tester and certified cross connection  
355 survey inspector, including certified limited operators, certified  
356 conditional operators and certified operators in training; [and]
- 357 (31) Tattoo technician;
- 358 (32) Behavior analyst; and

359        (33) Assistant behavior analyst.

360        The department shall assume all powers and duties normally vested  
 361        with a board in administering regulatory jurisdiction over such  
 362        professions. The uniform provisions of this chapter and chapters 368v,  
 363        369 to 381a, inclusive, 383 to 388, inclusive, 393a, 395, 398, 399, 400a  
 364        and 400c, including, but not limited to, standards for entry and  
 365        renewal; grounds for professional discipline; receiving and processing  
 366        complaints; and disciplinary sanctions, shall apply, except as otherwise  
 367        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	<i>July 1, 2015</i>	New section
Sec. 9	<i>July 1, 2015</i>	New section
Sec. 10	<i>January 1, 2016</i>	New section
Sec. 11	<i>January 1, 2016</i>	New section
Sec. 12	<i>January 1, 2016</i>	New section
Sec. 13	<i>January 1, 2016</i>	New section
Sec. 14	<i>January 1, 2016</i>	New section
Sec. 15	<i>January 1, 2016</i>	New section
Sec. 16	<i>January 1, 2016</i>	19a-14(c)