



General Assembly

February Session, 2016

***Raised Bill No. 5531***

LCO No. 2471



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

***AN ACT CONCERNING THE CARE AND TREATMENT OF PERSONS  
WITH A MENTAL ILLNESS OR SUBSTANCE USE DISORDER.***

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

1 Section 1. (NEW) (*Effective October 1, 2016*) (a) As used in this  
2 section:

3 (1) "Facility" means any inpatient or outpatient hospital, clinic,  
4 skilled nursing facility or other facility for the diagnosis, observation or  
5 treatment of persons with a mental illness or substance use disorder;

6 (2) "Patient" means any person being treated in a facility;

7 (3) "Head of the facility" means the superintendent or medical  
8 director of a facility, or his or her designated delegate;

9 (4) "Informed consent" means permission given competently and  
10 voluntarily after a patient has been informed of the reason for  
11 treatment, the nature of the proposed treatment, the advantages or  
12 disadvantages of the treatment, medically acceptable alternative  
13 treatment, the risks associated with receiving the proposed treatment

14 and the risk of no treatment; and

15 (5) "Direct threat of harm" means the patient's clinical history  
16 demonstrates a pattern of serious physical injury or life-threatening  
17 injury to self or to others caused by a diagnosed mental illness or  
18 substance use disorder that is documented by objective medical  
19 evidence and other factual evidence. Such evidence of past pattern of  
20 dangerous behavior shall be manifested in the patient's medical  
21 history and there shall exist a high probability that the patient will  
22 inflict substantial harm on himself, herself or others.

23 (b) Prior to discharging a patient from a facility, if it is determined  
24 by the head of the facility and two qualified physicians that (1) (A) a  
25 patient who is to be discharged from the facility is capable of giving  
26 informed consent but refuses to consent to take medication for the  
27 treatment of the patient's mental illness or substance use disorder, or  
28 (B) a patient has a demonstrated history of failure to take medications  
29 prescribed for the treatment of his or her mental illness or substance  
30 use disorder, (2) there is no less intrusive beneficial treatment, and (3)  
31 without medication, the mental illness or substance use disorder with  
32 which the patient has been diagnosed will continue unabated and  
33 place the patient or others in direct threat of harm, the head of the  
34 facility may apply to the Probate Court for appointment of a  
35 conservator of the person with specific authority to consent to the  
36 administration of medication after discharge from the facility or, in a  
37 case where a conservator of the person has previously been appointed  
38 under section 45a-650 of the general statutes, the head of the facility or  
39 the conservator may petition the Probate Court to grant such specific  
40 authority to the conservator. Pursuant to this subsection, the Probate  
41 Court may appoint a conservator with such specific authority if the  
42 court finds by clear and convincing evidence that the patient refuses to  
43 consent to medication for the treatment of the patient's mental illness  
44 or substance use disorder or has a demonstrated history of failure to  
45 take medications prescribed for the treatment of his or her mental  
46 illness or substance use disorder and such medication is necessary for

47 the patient's treatment. The authority of a conservator to consent to the  
48 administration of medication under this subsection shall be effective  
49 for not more than one hundred twenty days following the date of the  
50 patient's discharge from the facility.

51 (c) If, after being discharged from a facility, a patient fails or refuses  
52 to take medication ordered by a prescribing practitioner and such  
53 patient has a conservator of the person vested with the authority to  
54 consent to the administration of medication pursuant to subsection (b)  
55 of this section, such conservator may consent on behalf of the patient  
56 to the administration of such medication and the patient may be  
57 medicated over his or her objection. Such medication shall be  
58 administered in a manner and place that, in the best judgment of the  
59 prescribing practitioner, is clinically appropriate, safe and consistent  
60 with the dignity and privacy of the patient. A conservator of the  
61 person appointed pursuant to subsection (b) of this section may  
62 request that state or local police or a licensed or certified ambulance  
63 service assist in transporting the patient to a designated location for  
64 the purpose of administering the medication.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2016	New section

**Statement of Purpose:**

To provide a Probate Court with the authority to appoint a conservator of the person who may consent to the administration of medication on behalf of a conserved person who has a mental illness or substance use disorder.

*[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.]*