

Public Health Committee JOINT FAVORABLE REPORT

Bill No.: SB-1101

AN ACT CONCERNING AN EVALUATION OF HOSPITALS OPERATED BY
Title: THE DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES.

Vote Date: 3/29/2019

Vote Action: Joint Favorable

PH Date: 3/25/2019

File No.:

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SPONSORS OF BILL:

Public Health Committee

REASONS FOR BILL:

This legislation modifies the guidelines for the task force established in Public Act 18-86, regarding Connecticut Valley Hospital and Whiting Forensic Hospital. This bill aims to:

1. Review Whiting's facilities and conditions after its separation from Connecticut Valley Hospital.
2. Enables Whiting employees to testify without the presence of a CVH or Whiting employee task force member, upon their request.
3. Extends the deadline for the preliminary report to 2020, and the final to 2022.

RESPONSE FROM ADMINISTRATION/AGENCY:

Commissioner Miriam Delphin-Rittmon, Department of Mental Health and Addiction Services (DMHAS):

After the allegations at Whiting Forensic Hospital and Connecticut Valley Hospital, DMHAS has taken steps to ensure patients are receiving quality care. These initiatives include, but are not limited to:

1. Separating the Whiting Forensic Hospital and Connecticut Valley Hospital into two separate entities
2. Hiring and training new staff
3. Standardizing a system of reporting abuse, both for employees and patients
4. Increasing the number of walk-throughs
5. Improving security standards

In addition to these changes, DMHAS named additional institutions that have access to patient information including the CT Legal Rights Project and the Department of Public Health (DPH). The committee has cognizance over Department matters and DMHAS is subject to

freedom of information statutes. Multiple organizations are involved with patients and DMHS hospitals are forthcoming with patients' families and friends. While DMHAS supports the effort to ensure that patients are receiving quality care, the establishment of a task force may be unnecessary since other institutions are already involved in oversight.

NATURE AND SOURCES OF SUPPORT:

David Samuels, Citizen Journalist: There have been a number of issues involving DMHAS and CVH throughout the last few years including the death of a patient, the death of an employee by suicide, and accounts of staff bullying. In addition, it has been reported that hospital police do not fulfill their duties, previously unscheduled shifts are mandated for employees, and the union has not offered any support to these "tormented" employees. Given these complaints and the "toxic" working environment, Whiting should be investigated and immediate action is needed.

NATURE AND SOURCES OF OPPOSITION:

Al Shehadi: Mr. Shehadi is the brother and co-conservator of Bill Shehadi, the primary patient in the Whiting scandal. While he is appreciative of the committee's work, Mr. Shehadi feels that more work needs to be done on existing legislation regarding this topic before enacting new legislation. Last year, SB 406, An Act Concerning DMHAS, CVH and Whiting, was passed out of committee and implemented as PA 18-86. Currently, the task force outlined in PA 18-86 has not been established and the legislature has not yet convened its first meeting. Mr. Shehadi suggests that this task force be established and operational prior to passing any new legislation. However, if the committee is to proceed with this bill, Mr. Shehadi recommends:

1. Ensure that SB 1101 will only alter, not repeal, Section 1 of PA 18-86
2. Codify that all task force appointments made under PA 18-86 are still effective, as long as they conform to the modifications of SB 1101. The task force has been patient and if it's believed that there is a new recruiting process, many people will opt out of participating
3. Explicitly state that no members of the task force should be associated with Whiting in order to ensure that this is an independent study
4. Extend the due date for only the preliminary report. This will maintain the sense of urgency for acquiring information.
5. The added language to Section 1 (a) is unnecessary and actually weakens the mandate. The original language should be kept as is.

Overall, Mr. Shehadi feels that the original legislation should be implemented before a new bill is passed. However, if the committee proceeds with this bill, it should remain narrowly focused.

Marcia DuFore, Director, North Central Regional Mental Health Board (NCRMHB): Ms. DuFore spoke in support of SB 406, which was implemented as PA 18-86. The task force stipulated in PA 18-86 has yet to be appointed and a meeting has not yet been convened. Prior to the allegations that arose in 2017, the five Regional Mental Health Boards had planned to conduct a review of CVH. That review was postponed and eventually stopped due to the abuse accusations and subsequent investigations. Following the allegations, DMHAS worked to address the issues at hand and requested the participation of other organizations. NCRMHB supported an event entitled, "A Day in the Life." The project sought to educate

DMHAS, healthcare providers, and the public about the challenges of mental illness in the hopes of changing people's perspective on mental health, through interviewing recipients of DMHAS-provided services. Much of the dialogue from the project was eventually reflected in the Whiting investigations. Overall, the task force outlined in PA 18-86 needs to be established and guidelines regarding time and appointees need to be followed.

Kathleen Flaherty, Executive Director, CT Legal Rights Project: Ms. Flaherty testified against this bill last session because she wanted to ensure that real change was going to be made in light of the Whiting abuse scandal. In Section 1 of the bill that was passed, Public Act 18-86, guidelines were set forth outlining the acceptable time for the appointment of the task force and organizing meetings. Neither of those initiatives have been fulfilled on time. Ms. Flaherty expressed concern regarding a number of aspects of the bill. To begin, the purpose of the bill seemingly sets the tone for the task force before it is even convened. In addition, the language of the bill needs to be amended, notably in section (e) where it explicitly states that a former employee of CVH or Whiting cannot serve on the task force. Also, meetings of the task force should be mandated, not encouraged, and at least one meeting should be held on the grounds of CVH.

Reported by: Meagan Schantz

Date: 4/5/19