OLR Bill Analysis  
ssB 967  

AN ACT CONCERNING THE RECOMMENDATIONS OF THE DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES REGARDING EMERGENCY MEDICATION.  

SUMMARY  
Existing law establishes court procedures for involuntarily medicating a criminal defendant who (1) was found incompetent to stand trial, (2) is in the custody of the Department of Mental Health and Addiction Services (DMHAS), and (3) is unable or unwilling to consent to medication to treat his or her psychiatric disabilities (see BACKGROUND). This bill codifies existing practice by creating an exception to these procedures.

The exception applies if obtaining consent would cause a medically harmful delay to such a patient with a condition of an extremely critical nature, as determined by personal observation of a physician or the senior clinician on duty. In such a case, the bill allows such a provider to order the medication without the patient’s consent and without going to court.

Existing law permits involuntary medication under similar circumstances for patients admitted to psychiatric hospitals (CGS § 17a-543(b)).

EFFECTIVE DATE: Upon passage  

BACKGROUND  
Existing Law on Involuntary Medication for Defendants in DMHAS Custody  
Under existing law, the hospital or other facility treating such a criminal defendant may apply to probate court to involuntarily medicate him or her, for up to 120 days at a time.
The procedures and standards differ depending on whether the patient is (1) unable, because of his or her illness, to give voluntary, informed consent or (2) able, but unwilling, to do so. In the former case, the law authorizes a probate court to appoint a special limited conservator to make the decision on the patient’s behalf. In the latter case, the court may authorize the facility to forcibly medicate the patient under certain circumstances.

In either case, (1) the hospital’s head, or his or her designee, and two qualified physicians must make certain determinations and (2) the conservator or court, as applicable, must consider certain factors in deciding whether to approve the facility’s request (CGS § 17a-543a).

**COMMITTEE ACTION**

Public Health Committee

Joint Favorable Substitute

Yea 21  Nay 0  (03/22/2019)