



General Assembly

February Session, 2020

Raised Bill No. 428

LCO No. 2630



Referred to Committee on PUBLIC SAFETY AND SECURITY

Introduced by:
(PS)

AN ACT CONCERNING ASSISTED OUTPATIENT TREATMENT FOR CERTAIN PERSONS WITH PSYCHIATRIC DISABILITIES.

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

1 Section 1. (NEW) (*Effective October 1, 2020*) (a) For the purposes of this
2 section:

3 (1) "Assisted outpatient treatment" means a treatment program that
4 (A) provides for the monitoring of persons with psychiatric disabilities
5 who have demonstrated a propensity for violence to ensure that such
6 persons comply with their treatment plan and take medication for the
7 treatment of their psychiatric disabilities, and (B) consists of intensive
8 monitoring of, and interaction with, persons with psychiatric disabilities
9 on an outpatient basis by staff members of a supervising agency having
10 appropriate training and clinically manageable caseloads who shall (i)
11 visit the participants on a regular basis to monitor the taking by the
12 participants of the medication prescribed for the treatment of their
13 psychiatric disabilities; (ii) ensure that the participants take their
14 medication on schedule by directly observing the participants ingesting
15 each dosage of their medication; (iii) monitor the living conditions of the

16 participants; (iv) provide the participants with information about any
17 services for which they may be eligible and assist them in applying for
18 and receiving such services; and (v) attempt to develop a rapport with
19 the participants and earn their trust;

20 (2) "Examining physician" means a physician licensed under chapter
21 370 of the general statutes who is not related by blood or marriage to the
22 respondent or applicant and who has examined the respondent not less
23 than ten days prior to the submission of an application for an order of
24 assisted outpatient treatment;

25 (3) "Respondent" means a person with psychiatric disabilities who is
26 the subject of an application for an order of assisted outpatient
27 treatment; and

28 (4) "Supervising agency" means an appropriate public or private
29 agency that provides services for the care and treatment of persons with
30 psychiatric disabilities that is designated by the Probate Court to
31 supervise and monitor a respondent ordered to receive assisted
32 outpatient treatment.

33 (b) An application for an order requiring a respondent to receive
34 assisted outpatient treatment may be filed with the Probate Court by (1)
35 a member of a person's immediate family, (2) an individual identified
36 by a person as being concerned with such person's welfare, (3) the
37 Commissioner of Mental Health and Addiction Services, (4) the director
38 of an agency or facility providing services for the care and treatment of
39 persons with psychiatric disabilities, or (5) a person's probation or
40 parole officer. The application shall contain (A) the facts that support
41 the applicant's belief that the respondent meets the criteria set forth in
42 subsection (c) of this section, and (B) a clinical recommendation for
43 assisted outpatient treatment made by the examining physician.

44 (c) The Probate Court may order the respondent to receive assisted
45 outpatient treatment if the court finds that:

46 (1) The respondent is eighteen years of age or older;

47 (2) The respondent is a person with psychiatric disabilities, as defined
48 in subsection (a) of section 17a-458 of the general statutes;

49 (3) The respondent has inflicted or threatened to inflict serious
50 physical injury upon another person or persons on one or more
51 occasions and such actions were caused by the psychiatric disabilities
52 with which the respondent has been diagnosed and is documented by
53 objective medical evidence and other factual evidence;

54 (4) The respondent has a history of lack of compliance with treatment
55 plans;

56 (5) The respondent's treatment plan includes the taking of
57 medication;

58 (6) The respondent will voluntarily take medication for the treatment
59 of his or her psychiatric disabilities;

60 (7) If the respondent fails to take his or her prescribed medication, the
61 respondent will likely suffer a relapse or deterioration and be at risk of
62 inflicting or threatening to inflict serious physical injury upon another
63 person or persons; and

64 (8) The respondent will likely benefit from assisted outpatient
65 treatment.

66 (d) Upon an application for an order of assisted outpatient treatment
67 being filed in the Probate Court, the court shall conduct a hearing in
68 accordance with the provisions of section 17a-498 of the general statutes,
69 except that, if the court finds by clear and convincing evidence that the
70 respondent meets the criteria for participation in the assisted outpatient
71 treatment program, and that there is no appropriate and feasible less
72 restrictive alternative, the court shall order the respondent to participate
73 in such program for a period not to exceed one hundred eighty days.
74 The order shall include a prescribed treatment plan. The order shall
75 further designate a supervising agency. Prior to the designation, the
76 court shall notify the proposed supervising agency and provide such

77 agency with an opportunity to be heard before the court. After receiving
78 an order of assisted outpatient treatment, the supervising agency shall
79 assume the responsibility for supervising and monitoring the
80 implementation of the prescribed treatment plan. Notice of any action
81 taken by the court shall be given to the respondent and the respondent's
82 attorney, if any, in such manner as the court concludes would be
83 appropriate under the circumstances.

84 (e) If the supervising agency determines that a respondent who is
85 under an order of assisted outpatient treatment requires an additional
86 period of assisted outpatient treatment, the supervisory agency shall file
87 a petition with the Probate Court seeking such continued treatment not
88 less than fifteen days prior to the expiration of the order. The court shall
89 conduct a hearing on the continued treatment in accordance with the
90 procedures for ordering assisted outpatient treatment under
91 subsections (c) and (d) of this section. If the court determines that the
92 respondent continues to meet the requirements for assisted outpatient
93 treatment as set forth in subsection (c) of this section, the court may
94 order the respondent to receive assisted outpatient treatment for an
95 additional period not to exceed one hundred eighty days.

96 (f) Nothing in this section shall preclude the admission, commitment
97 or detention of a person otherwise authorized by law.

98 (g) Notwithstanding any provision of the general statutes, no
99 supervising agency shall be liable for damages or injury caused by an
100 individual who is subject to an order of assisted outpatient treatment
101 unless such agency's actions with respect to the individual are wanton,
102 reckless or malicious or are such a substantial departure from accepted
103 professional judgment, practice or standards as to demonstrate that
104 professional judgment was not exercised, and unless it is demonstrated
105 that such damages or injury would not have been sustained absent the
106 supervising agency's actions. For purposes of this subsection,
107 "supervising agency" includes an official, employee or agent of a
108 supervising agency.

109 Sec. 2. (NEW) (*Effective October 1, 2020*) If a person with psychiatric
110 disabilities who is ordered to receive assisted outpatient treatment
111 under section 1 of this act fails or refuses to take medication for such
112 person's psychiatric disabilities in accordance with the treatment plan
113 ordered by the Probate Court, the supervising agency shall report such
114 noncompliance to the Probate Court. If the court determines that there
115 is reasonable cause to believe that such person has psychiatric
116 disabilities and is dangerous to himself or herself or others or is gravely
117 disabled, the court shall order that such person be taken to a general
118 hospital for examination. The person shall be examined within twenty-
119 four hours and shall not be held for more than seventy-two hours unless
120 committed under section 17a-502 of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2020</i>	New section
Sec. 2	<i>October 1, 2020</i>	New section

Statement of Purpose:

To allow assisted outpatient treatment of people with psychiatric disabilities who pose a risk of causing serious physical injury to other persons if they fail to follow a treatment plan.

[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.]