



General Assembly

January Session, 2021

Substitute Bill No. 1086



AN ACT CONCERNING MENTAL AND BEHAVIORAL HEALTH SERVICES.

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

1 Section 1. Section 19a-14c of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2021*):

3 (a) For the purposes of this section, "outpatient mental health
4 treatment" means the treatment of mental disorders, emotional
5 problems or maladjustments with the object of (1) removing, modifying
6 or retarding existing symptoms; (2) improving disturbed patterns of
7 behavior; and (3) promoting positive personality growth and
8 development. Treatment shall not include prescribing or otherwise
9 dispensing any medication which is a legend drug as defined in section
10 20-571.

11 (b) A psychiatrist licensed pursuant to chapter 370, a psychologist
12 licensed pursuant to chapter 383, an independent social worker certified
13 pursuant to chapter 383b or a marital and family therapist licensed
14 pursuant to chapter 383a may provide outpatient mental health
15 treatment to a minor without the consent or notification of a parent or
16 guardian at the request of the minor if (1) requiring the consent or
17 notification of a parent or guardian would cause the minor to reject such
18 treatment; (2) the provision of such treatment is clinically indicated; (3)

19 the failure to provide such treatment would be seriously detrimental to
20 the minor's well-being; (4) the minor has knowingly and voluntarily
21 sought such treatment; and (5) in the opinion of the provider of
22 treatment, the minor is mature enough to participate in treatment
23 productively. The provider of such treatment shall document the
24 reasons for any determination made to treat a minor without the consent
25 or notification of a parent or guardian and shall include such
26 documentation in the minor's clinical record, along with a written
27 statement signed by the minor stating that (A) he is voluntarily seeking
28 such treatment; (B) he has discussed with the provider the possibility of
29 involving his parent or guardian in the decision to pursue such
30 treatment; (C) he has determined it is not in his best interest to involve
31 his parent or guardian in such decision; and (D) he has been given
32 adequate opportunity to ask the provider questions about the course of
33 his treatment.

34 [(c) After the sixth session of outpatient mental health treatment
35 provided to a minor pursuant to this section, the provider of such
36 treatment shall notify the minor that the consent, notification or
37 involvement of a parent or guardian is required to continue treatment,
38 unless such a requirement would be seriously detrimental to the minor's
39 well-being. If the provider determines such a requirement would be
40 seriously detrimental to the minor's well-being, he shall document such
41 determination in the minor's clinical record, review such determination
42 every sixth session thereafter and document each such review. If the
43 provider determines such a requirement would no longer be seriously
44 detrimental to the minor's well-being, he shall require the consent,
45 notification or involvement of a parent or guardian as a condition of
46 continuing treatment. No provider shall notify a parent or guardian of
47 treatment provided pursuant to this section or disclose any information
48 concerning such treatment to a parent or guardian without the consent
49 of the minor.]

50 [(d)] (c) A parent or guardian who is not informed of the provision of
51 outpatient mental health treatment for his minor child pursuant to this

52 section shall not be liable for the costs of the treatment provided.

53 Sec. 2. (NEW) (*Effective from passage*) On and after October 1, 2021,
54 each physician licensed pursuant to chapter 370 of the general statutes,
55 physician assistant licensed pursuant to chapter 370 of the general
56 statutes and advanced practice registered nurse licensed pursuant to
57 chapter 378 of the general statutes shall conduct a mental health
58 examination of a patient during the physician's, physician assistant's or
59 advanced practice registered nurse's annual physical examination of the
60 patient.

61 Sec. 3. (*Effective from passage*) (a) There is established a task force to
62 study the health benefits of psilocybin. Such study shall include, but
63 need not be limited to, an examination of whether the use of psilocybin
64 by a person under the direction of a health care provider may be
65 beneficial to the person's physical or mental well-being. As used in this
66 subsection, "psilocybin" means the chemical compound obtained from
67 certain types of hallucinogenic mushrooms that grow naturally in
68 regions of Europe, South America, Mexico and the United States.

69 (b) The task force shall consist of the following members:

70 (1) Two appointed by the speaker of the House of Representatives;

71 (2) Two appointed by the president pro tempore of the Senate;

72 (3) One appointed by the majority leader of the House of
73 Representatives;

74 (4) One appointed by the majority leader of the Senate;

75 (5) One appointed by the minority leader of the House of
76 Representatives;

77 (6) One appointed by the minority leader of the Senate;

78 (7) The Commissioner of Mental Health and Addiction Services, or
79 the commissioner's designee; and

80 (8) The Commissioner of Public Health, or the commissioner's
81 designee.

82 (c) Any member of the task force appointed under subdivision (1),
83 (2), (3), (4), (5) or (6) of subsection (b) of this section may be a member
84 of the General Assembly.

85 (d) All initial appointments to the task force shall be made not later
86 than thirty days after the effective date of this section. Any vacancy shall
87 be filled by the appointing authority.

88 (e) The speaker of the House of Representatives and the president pro
89 tempore of the Senate shall select the chairpersons of the task force from
90 among the members of the task force. Such chairpersons shall schedule
91 the first meeting of the task force, which shall be held not later than sixty
92 days after the effective date of this section.

93 (f) The administrative staff of the joint standing committee of the
94 General Assembly having cognizance of matters relating to public
95 health shall serve as administrative staff of the task force.

96 (g) Not later than January 1, 2022, the task force shall submit a report
97 on its findings and recommendations to the joint standing committee of
98 the General Assembly having cognizance of matters relating to public
99 health, in accordance with the provisions of section 11-4a of the general
100 statutes. The task force shall terminate on the date that it submits such
101 report or January 1, 2022, whichever is later.

102 Sec. 4. Subsection (a) of section 38a-510 of the general statutes is
103 repealed and the following is substituted in lieu thereof (*Effective January*
104 *1, 2022*):

105 (a) No insurance company, hospital service corporation, medical
106 service corporation, health care center or other entity delivering, issuing
107 for delivery, renewing, amending or continuing an individual health
108 insurance policy or contract that provides coverage for prescription
109 drugs may:

110 (1) Require any person covered under such policy or contract to
111 obtain prescription drugs from a mail order pharmacy as a condition of
112 obtaining benefits for such drugs; or

113 (2) Require, if such insurance company, hospital service corporation,
114 medical service corporation, health care center or other entity uses step
115 therapy for such drugs, the use of step therapy for:

116 (A) [any] Any prescribed drug for longer than sixty days; [] or

117 (B) [a] A prescribed drug for [cancer] treatment of a behavioral health
118 condition or for an insured who has been diagnosed with stage IV
119 metastatic cancer, provided such prescribed drug is in compliance with
120 approved federal Food and Drug Administration indications.

121 (3) At the expiration of the time period specified in subparagraph (A)
122 of subdivision (2) of this subsection, [or for a prescribed drug described
123 in subparagraph (B) of subdivision (2) of this subsection,] an insured's
124 treating health care provider may deem such step therapy drug regimen
125 clinically ineffective for the insured, at which time the insurance
126 company, hospital service corporation, medical service corporation,
127 health care center or other entity shall authorize dispensation of and
128 coverage for the drug prescribed by the insured's treating health care
129 provider, provided such drug is a covered drug under such policy or
130 contract. If such provider does not deem such step therapy drug
131 regimen clinically ineffective or has not requested an override pursuant
132 to subdivision (1) of subsection (b) of this section, such drug regimen
133 may be continued. For purposes of this section, "step therapy" means a
134 protocol or program that establishes the specific sequence in which
135 prescription drugs for a specified medical condition are to be prescribed.

136 Sec. 5. Subsection (a) of section 38a-544 of the general statutes is
137 repealed and the following is substituted in lieu thereof (*Effective January*
138 *1, 2022*):

139 (a) No insurance company, hospital service corporation, medical
140 service corporation, health care center or other entity delivering, issuing

141 for delivery, renewing, amending or continuing a group health
142 insurance policy or contract that provides coverage for prescription
143 drugs may:

144 (1) Require any person covered under such policy or contract to
145 obtain prescription drugs from a mail order pharmacy as a condition of
146 obtaining benefits for such drugs; or

147 (2) Require, if such insurance company, hospital service corporation,
148 medical service corporation, health care center or other entity uses step
149 therapy for such drugs, the use of step therapy for:

150 (A) [any] Any prescribed drug for longer than sixty days; [] or

151 (B) [a] A prescribed drug for [cancer] treatment of a behavioral health
152 condition or for an insured who has been diagnosed with stage IV
153 metastatic cancer, provided such prescribed drug is in compliance with
154 approved federal Food and Drug Administration indications.

155 (3) At the expiration of the time period specified in subparagraph (A)
156 of subdivision (2) of this subsection, [or for a prescribed drug described
157 in subparagraph (B) of subdivision (2) of this subsection,] an insured's
158 treating health care provider may deem such step therapy drug regimen
159 clinically ineffective for the insured, at which time the insurance
160 company, hospital service corporation, medical service corporation,
161 health care center or other entity shall authorize dispensation of and
162 coverage for the drug prescribed by the insured's treating health care
163 provider, provided such drug is a covered drug under such policy or
164 contract. If such provider does not deem such step therapy drug
165 regimen clinically ineffective or has not requested an override pursuant
166 to subdivision (1) of subsection (b) of this section, such drug regimen
167 may be continued. For purposes of this section, "step therapy" means a
168 protocol or program that establishes the specific sequence in which
169 prescription drugs for a specified medical condition are to be prescribed.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2021</i>	19a-14c
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>January 1, 2022</i>	38a-510(a)
Sec. 5	<i>January 1, 2022</i>	38a-544(a)

Statement of Legislative Commissioners:

In Section 2, "perform a mental health examination on a patient" was changed to "conduct a mental health examination of a patient", and physician assistant's or advanced practice registered nurse's" was inserted after "physician's" for clarity and consistency.

PH *Joint Favorable Subst. -LCO*