AN ACT CONCERNING CONNECTICUT VALLEY AND WHITING FORENSIC HOSPITALS.

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

Section 1. (Effective from passage) (a) The Department of Mental Health and Addiction Services shall develop a plan for the construction of a new facility for Whiting Forensic Hospital in consultation with the patients of said hospital, the legal guardians and family members of such patients, staff of said hospital, community providers of health care and mental health care services to such patients, the Commissioner of Correction and any other relevant stakeholders, as determined by the Commissioner of Mental Health and Addiction Services. In developing such plan, the department shall:

(1) Conduct a comprehensive assessment of the needs of all patients of said hospital, including, but not limited to, the safety, recovery and standard of care for treatment of such patients while in the new facility and a pathway toward reintegration of such patients into the community;

(2) Consider a facility design that incorporates spaces, as an intrinsic
part of the facility, where the patients can engage in self-enrichment, creative activities, educational pursuits, vocational training and training in independent living skills to facilitate a safe transition to life in the community; and

(3) Develop an individualized care plan for each patient in the new facility that engages the patient and, if deemed appropriate by the commissioner, the patient's family members or guardian, as active participants in such plan and includes adequate preparation to enable the patient to reintegrate safely and successfully into the community.

(b) Not later than January 1, 2023, the Commissioner of Mental Health and Addiction Services shall report, in accordance with the provisions of section 11-4a of the general statutes, regarding the plan developed under subsection (a) of this section to the joint standing committee of the General Assembly having cognizance of matters relating to public health.

Sec. 2. Section 17a-565 of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

[There] (a) (1) On and before September 30, 2022, there shall be an advisory board for Whiting Forensic Hospital, constituted as follows:
The Commissioner of Mental Health and Addiction Services, three physicians licensed to practice in this state, two of whom shall be psychiatrists, two attorneys of this state, at least one of whom shall be in active practice and have at least five years' experience in the trial of criminal cases, one licensed psychologist with experience in clinical psychology, one licensed clinical social worker, one person actively engaged in business who shall have at least ten years' experience in business management, and two persons with psychiatric disabilities, at least one of whom shall have received inpatient services in a psychiatric hospital. Annually, on October first, the Governor shall appoint a member or members to replace those whose terms expire for terms of five years each. The board shall elect a chairman and a secretary, who
shall keep full and accurate minutes of its meetings and preserve the same. The board shall meet at the call of the chairman at least quarterly. Members of the board shall receive no compensation for their duties as such but shall be reimbursed for their actual expenses incurred in the course of their duties. [Said]

(2) On and after October 1, 2022, there shall be an oversight board for Whiting Forensic Hospital, constituted as follows: Three physicians licensed under chapter 370, two of whom shall be psychiatrists, two attorneys licensed in this state, at least one of whom shall be in active practice and have at least five years' experience in the trial of criminal cases, one psychologist licensed under chapter 383 with experience in clinical psychology, one clinical social worker licensed under chapter 383b, one person actively engaged in business who shall have at least ten years' experience in business management, and two persons with psychiatric disabilities, at least one of whom shall have received inpatient services in a psychiatric hospital, all of whom shall be appointed by the Governor. Members shall serve for a term of five years and any vacancies on the board shall be filled for the remainder of the term by the Governor. The board shall elect from among its members a chairperson and a secretary, who shall keep full and accurate minutes of its meetings and preserve the same. The board shall meet at the call of the chairperson at least quarterly. Members of the board shall receive no compensation for their duties but shall be reimbursed for necessary expenses incurred in the performance of their duties.

(b) Such oversight board shall confer with the staff of the hospital and give general consultative and advisory services on problems and matters relating to its work. On any matter relating to the work of the hospital, the board may also confer with the warden or superintendent of the affected Connecticut correctional institution] perform the following functions:

(1) Oversee the work of the staff of Whiting Forensic Hospital and provide consultative and advisory services regarding any problems or concerns raised by the staff in relation to such work;
(2) Investigate any complaint regarding the conditions of said hospital or the mistreatment or neglect of a patient or staff member of said hospital made by any patient, family member, guardian or legal representative of a patient or staff member of said hospital or any member of the public. As used in this subdivision, "neglect" means the failure, through action or inaction, to provide an individual with the services necessary to maintain such individual's physical and mental health and safety, including, but not limited to, protection against incidents of inappropriate or unwanted sexual contact, harassment, taunting, bullying and discrimination;

(3) Make recommendations to said hospital and the Department of Mental Health and Addiction Services for any actions necessary to improve the work of the staff, conditions of said hospital or treatment of any patient or staff member of said hospital necessary to address any concerns raised or complaints made pursuant to subdivision (1) or (2) of this subsection; and

(4) Request and review any information from said hospital and the Department of Mental Health and Addiction Services that is necessary for the board to perform its functions under this subsection.

(c) On or before January 1, 2023, and annually thereafter, the oversight board for Whiting Forensic Hospital shall report, in accordance with the provisions of section 11-4a, to the joint standing committee of the General Assembly having cognizance of matters relating to public health regarding the results of any investigation or recommendation made by the board pursuant to subsection (b) of this section.

Sec. 3. Subsection (e) of section 17a-582 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2022):

(e) At the hearing, the court shall make a finding as to the mental condition of the acquittee and, considering that its primary concern is the protection of society and the safety and well-being of
the acquittee, make one of the following orders:

(1) If the court finds that the acquittee is a person who should be confined or conditionally released, the court shall order the acquittee committed to the jurisdiction of the board and either confined in a hospital for psychiatric disabilities or placed with the Commissioner of Developmental Services, for custody, care and treatment pending a hearing before the board pursuant to section 17a-583; provided (A) the court shall fix a maximum term of commitment, not to exceed the maximum sentence that could have been imposed if the acquittee had been convicted of the offense, and (B) if there is reason to believe that the acquittee is a person who should be conditionally released, the court shall include in the order a recommendation to the board that the acquittee be considered for conditional release pursuant to subdivision (2) of section 17a-584, as amended by this act; or

(2) If the court finds that the acquittee is a person who should be discharged, the court shall order the acquittee discharged from custody.

Sec. 4. Section 17a-584 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2022):

At any hearing before the board considering the discharge, conditional release or confinement of the acquittee, except a hearing pursuant to section 17a-592 or subsection (d) of section 17a-593, the board shall make a finding as to the mental condition of the acquittee and, considering that its primary concerns are the protection of society and the safety and well-being of the acquittee, shall do one of the following:

(1) If the board finds that the acquittee is a person who should be discharged, it shall recommend such discharge to the court pursuant to section 17a-593, as amended by this act.

(2) If the board finds that the acquittee is a person who should be conditionally released, the board shall order the acquittee conditionally released subject to such conditions as are necessary to prevent the
acquittee from constituting a danger to himself or others.

(3) If the board finds that the acquittee is a person who should be confined, the board shall order the person confined in a hospital for psychiatric disabilities or placed with the Commissioner of Developmental Services for custody, care and treatment.

Sec. 5. Subsection (g) of section 17a-593 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2022):

(g) The court shall make a finding as to the mental condition of the acquittee and, considering that its primary [concern is] concerns are the protection of society and the safety and well-being of the acquittee, make one of the following orders: (1) If the court finds that the acquittee is not a person who should be discharged, the court shall order the recommendation or application for discharge be dismissed; or (2) if the court finds that the acquittee is a person who should be discharged, the court shall order the acquittee discharged from custody. The court shall send a copy of such finding and order to the board.

Sec. 6. (Effective from passage) (a) There is established a task force to study the Psychiatric Security Review Board established under section 17a-581 of the general statutes. Such study shall include, but need not be limited to, an examination of the necessity for the continued existence of said board.

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

(1) Two appointed by the speaker of the House of Representatives, one of whom has expertise in public health and one of whom is a member of the judiciary;

(2) Two appointed by the president pro tempore of the Senate, one of whom is a defense attorney of the Judicial Department or the Public Defender Services Commission and one of whom is a member of the judiciary;
(3) One appointed by the majority leader of the House of Representatives, who is a state's attorney;

(4) One appointed by the majority leader of the Senate, who is a member of the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary;

(5) One appointed by the minority leader of the House of Representatives, who is a physician specializing in psychiatry and licensed under the provisions of sections 20-9 to 20-12, inclusive, of the general statutes;

(6) One appointed by the minority leader of the Senate, who is an acquittee, as defined in section 17a-580 of the general statutes;

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

(8) The Commissioner of Developmental Services, or the commissioner's designee.

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

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

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

(f) The administrative staff of the joint standing committee of the General Assembly having cognizance of matters relating to public health shall serve as administrative staff of the task force.
(g) Not later than January 1, 2023, the task force shall submit a report, in accordance with the provisions of section 11-4a of the general statutes, on its findings and recommendations to the joint standing committee of the General Assembly having cognizance of matters relating to public health. The task force shall terminate on the date that it submits such report or January 1, 2023, whichever is later.

Sec. 7. Section 17a-587 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2022):

(a) If at any time after [the confinement of an acquittee in a hospital for psychiatric disabilities or] the placement of an acquittee with the Commissioner of Developmental Services pursuant to order of the board, [the superintendent of such hospital or] said commissioner is of the opinion that the acquittee's psychiatric supervision and treatment would be advanced by permitting the acquittee to leave [such hospital or] the custody of said commissioner temporarily, [the superintendent or] said commissioner shall apply to the board for an order authorizing temporary leaves. The application shall include a statement of reasons in support thereof. The board shall send a copy of the application to the state's attorney. The board may order a hearing on the application and shall order such a hearing if the state's attorney files with the board a request therefor within ten days of his receipt of the application. The board shall grant the application, subject to such conditions and supervision as the board may set in the order for temporary leave, if it concludes that the acquittee's temporary leave, under the conditions specified, would not constitute a danger to [himself] the acquittee or others. If such application is granted, the acquittee may be permitted to leave [such hospital or] the custody of said commissioner temporarily, under the charge of his guardian, relatives or friends, or by himself or herself, at such times and under such conditions as [the superintendent or] said commissioner deems appropriate, unless the order of the board provides otherwise. [The provisions of section 17a-521 not inconsistent with this section shall be applicable to temporary leaves authorized by this section.]
(b) If at any time after the confinement of an acquittee in a hospital for psychiatric disabilities pursuant to order of the board, the superintendent of such hospital is of the opinion that the acquittee's psychiatric supervision and treatment would be advanced by permitting the acquittee to leave such hospital temporarily, the superintendent may issue an order authorizing a temporary leave in accordance with the provisions of section 17a-521, as amended by this act.

[(b)] (c) The board may designate any capable person or appropriate public or private agency to supervise the acquittee on temporary leave pursuant to subsection (a) of this section. Prior to any designation, the board shall notify the person or agency that the board contemplates designating to supervise the acquittee's temporary leave and provide the person or agency with an opportunity to be heard before the board. Any person or agency designated by the board to supervise the acquittee's temporary leave shall comply with such conditions as the board sets in the order for temporary leave.

Sec. 8. Section 17a-521 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2022):

Except as otherwise provided in this section, the superintendent of any institution used wholly or in part for the care of persons with psychiatric disabilities or the director of the Whiting Forensic Hospital may, under such provisions or agreements as the director deems advisable for psychiatric supervision, permit any patient of the institution under the director's charge, including, but not limited to, a person confined to such institution or said hospital under the provisions of section 17a-584, as amended by this act, temporarily to leave such institution, in charge of his guardian, relatives or friends, or by himself or herself. [A person confined to a hospital for psychiatric disabilities under the provisions of section 17a-584 may leave the hospital temporarily as provided under the provisions of section 17a-587.] In the case of committed persons, the original order of commitment shall remain in force and effect during absence from the institution either on
authorized or unauthorized leave until such patient is officially
discharged by the authorities of such institution or such order is
superseded by a court of competent jurisdiction. In the case of a patient
on authorized leave, if it appears to be for the best interest of the public
or for the interest and benefit of such patient, the patient may return or
be returned by the patient's guardian, relatives or friends or the patient
may be recalled by the authorities of such institution, at any time during
such temporary absence and prior to the patient's official discharge.

With respect both to patients on authorized and unauthorized leave,
state or local police shall, on the request of the authorities of any such
institution, assist in the rehospitalization of any patient on temporary
leave or of any other patient committed to such institution by a court of
competent jurisdiction or any person who is a patient under the
provisions of section 17a-502, if, in the opinion of such authorities, the
patient's condition warrants such assistance. The expense, if any, of such
recall or return shall, in the case of an indigent, be paid by those
responsible for the patient's support or, in the case of a pauper, by the
state. Leave under this section shall not be available to any person who
is under a term of imprisonment or who has not met the requirements
of the condition of release set to provide reasonable assurance of such
person's appearance in court.

Sec. 9. Section 17a-599 of the general statutes is repealed and the
following is substituted in lieu thereof (Effective October 1, 2022):

(a) At any time the court or the board determines that the acquittee is
a person who should be confined, it shall make a further determination
of whether the acquittee is so violent as to require confinement under
conditions of maximum security. Any acquittee found so violent as to
require confinement under conditions of maximum security shall not be
confined in any hospital for psychiatric disabilities or placed with the
Commissioner of Developmental Services unless such hospital or said
commissioner has the trained and equipped staff, facilities or security to
accommodate such acquittee.

(b) The Commissioner of Mental Health and Addiction Services may
transfer any acquittee who requires (1) confinement under conditions of
maximum security pursuant to subsection (a) of this section, and (2)
medical treatment that is unavailable in the maximum security
environment or would constitute a safety hazard to the acquittee or
others due to the use of certain medical equipment or material, to a
facility that can provide such medical treatment, provided (A) the
commissioner ensures that the conditions of custody of the acquittee at
such facility are and remain equivalent to conditions of maximum
security, (B) the commissioner [provides immediate written justification
to the board upon such transfer] consults with a licensed health care
provider who has evaluated the acquittee regarding such transfer and
the licensed health care provider approves of such transfer, and (C)
transfer of the acquittee back to the maximum security setting occurs
upon completion of the medical treatment.

Sec. 10. (Effective from passage) (a) The Department of Mental Health
and Addiction Services, in collaboration with the Department of
Administrative Services, shall evaluate the classifications in state service
for all physicians and senior level clinicians employed by Whiting
Forensic Hospital to determine if such classifications are in the
appropriate compensation plans necessary to attract and retain
experienced and competent employees of said hospital.

(b) Not later than January 1, 2023, the Commissioners of Mental
Health and Addiction Services and Administrative Services shall jointly
report, in accordance with the provisions of section 11-4a of the general
statutes, to the joint standing committee of the General Assembly
having cognizance of matters relating to public health regarding such
evaluation.

Sec. 11. Subsection (b) of section 17a-582 of the general statutes is
repealed and the following is substituted in lieu thereof (Effective October
1, 2022):

(b) Not later than sixty days after the order of commitment pursuant
to subsection (a) of this section, the superintendent of such hospital or
the Commissioner of Developmental Services shall cause the acquittee to be examined, provided the examination of an acquittee committed to the Department of Mental Health and Addiction Services shall not be performed by any employee of any of the state hospitals for psychiatric disabilities, and file a report of the examination with the court, and shall send a copy thereof to the state's attorney and counsel for the acquittee, setting forth the superintendent's or said commissioner's findings and conclusions as to whether the acquittee is a person who should be discharged. The report shall indicate whether the acquittee submitted or refused to submit to the taking of a blood or other biological sample pursuant to subsection (c) of section 54-102g.

Sec. 12. Subsection (a) of section 19a-490 of the 2022 supplement to the general statutes, as amended by section 29 of public act 21-2 of the June special session, is repealed and the following is substituted in lieu thereof (Effective October 1, 2022):

(a) "Institution" means a hospital, short-term hospital special hospice, hospice inpatient facility, residential care home, nursing home facility, home health care agency, home health aide agency, behavioral health facility, assisted living services agency, substance abuse treatment facility, outpatient surgical facility, outpatient clinic, an infirmary operated by an educational institution for the care of students enrolled in, and faculty and employees of, such institution; a facility engaged in providing services for the prevention, diagnosis, treatment or care of human health conditions, including facilities operated and maintained by any state agency; and a residential facility for persons with intellectual disability licensed pursuant to section 17a-227 and certified to participate in the Title XIX Medicaid program as an intermediate care facility for individuals with intellectual disability; ["Institution" does not include any facility for the care and treatment of persons with mental illness or substance use disorder operated or maintained by any state agency, except Whiting Forensic Hospital and the hospital and psychiatric residential treatment facility units of the Albert J. Solnit Children's Center;]
This act shall take effect as follows and shall amend the following sections:

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**Statement of Purpose:**
To make various revisions to the statutes governing Connecticut Valley and Whiting Forensic hospitals.

[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.]