



General Assembly

Substitute Bill No. 450

February Session, 2022



AN ACT CONCERNING CONNECTICUT VALLEY AND WHITING FORENSIC HOSPITALS.

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

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

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

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

19 community; and

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

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

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32 is repealed and the following is substituted in lieu thereof (*Effective from*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

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

51 such but shall be reimbursed for their actual expenses incurred in the
52 course of their duties. [Said]

53 (2) On and after October 1, 2022, there shall be an oversight board for
54 Whiting Forensic Hospital, constituted as follows: Three physicians
55 licensed under chapter 370, two of whom shall be psychiatrists, two
56 attorneys licensed in this state, at least one of whom shall be in active
57 practice and have at least five years' experience in the trial of criminal
58 cases, one psychologist licensed under chapter 383 with experience in
59 clinical psychology, one clinical social worker licensed under chapter
60 383b, one person actively engaged in business who shall have at least
61 ten years' experience in business management, and two persons with
62 psychiatric disabilities, at least one of whom shall have received
63 inpatient services in a psychiatric hospital, all of whom shall be
64 appointed by the Governor. Members shall serve for a term of five years
65 and any vacancies on the board shall be filled for the remainder of the
66 term by the Governor. The board shall elect from among its members a
67 chairperson and a secretary, who shall keep full and accurate minutes
68 of its meetings and preserve the same. The board shall meet at the call
69 of the chairperson at least quarterly. Members of the board shall receive
70 no compensation for their duties but shall be reimbursed for necessary
71 expenses incurred in the performance of their duties.

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

78 (1) Oversee the work of the staff of Whiting Forensic Hospital and
79 provide consultative and advisory services regarding any problems or
80 concerns raised by the staff in relation to such work;

81 (2) Investigate any complaint regarding the conditions of said
82 hospital or the mistreatment or neglect of a patient or staff member of

83 said hospital made by any patient, family member, guardian or legal
84 representative of a patient or staff member of said hospital or any
85 member of the public. As used in this subdivision, "neglect" means the
86 failure, through action or inaction, to provide an individual with the
87 services necessary to maintain such individual's physical and mental
88 health and safety, including, but not limited to, protection against
89 incidents of inappropriate or unwanted sexual contact, harassment,
90 taunting, bullying and discrimination;

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

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

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

107 Sec. 3. Subsection (e) of section 17a-582 of the general statutes is
108 repealed and the following is substituted in lieu thereof (*Effective October*
109 *1, 2022*):

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

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

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

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

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

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

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

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

149 Sec. 5. Subsection (g) of section 17a-593 of the general statutes is
150 repealed and the following is substituted in lieu thereof (*Effective October*
151 *1, 2022*):

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

161 Sec. 6. (*Effective from passage*) (a) On or before January 1, 2023, the
162 Commissioner of Mental Health and Addiction Services shall convene a
163 working group to evaluate the Psychiatric Security Review Board
164 established under section 17a-581 of the general statutes. Such
165 evaluation shall include, but need not be limited to, an examination of
166 (1) the recommendations regarding said board that were made by the
167 task force established pursuant to section 1 of public act 18-86 to
168 evaluate Connecticut Valley Hospital and Whiting Forensic Hospital, (2)
169 methods of modernizing the process by which (A) a person is
170 committed to the custody of the Department of Mental Health and
171 Addiction Services after being found not guilty by reason of mental
172 disease or defect pursuant to section 53a-13 of the general statutes, and
173 (B) such person is released or discharged from such custody, including,
174 but not limited to, through a balancing of the protection of society,
175 victims' rights and the health and well-being of such person, (3)
176 processes in place for committing and releasing a person who has been
177 found not guilty by reason of a mental disease or defect in states that do

178 not have a body that is similar to said board, and (4) the processes for
179 notifying a victim of such person when such person is released or
180 discharged from such custody.

181 (b) The working group convened pursuant to subsection (a) of this
182 section shall include, but need not be limited to, the following members:
183 (1) A person with expertise in public health; (2) two members of the
184 judiciary; (3) a defense attorney of the Judicial Department or the Public
185 Defender Services Commission; (4) a state's attorney; (5) a physician
186 specializing in psychiatry and licensed under the provisions of sections
187 20-9 to 20-12, inclusive, of the general statutes; (6) two acquittees, as
188 defined in section 17a-580 of the general statutes; (7) two victims of an
189 acquittee or two representatives of an organization that advocates on
190 behalf of victims of an acquittee; (8) the Commissioner of Mental Health
191 and Addiction Services; and (9) the Commissioner of Developmental
192 Services. The Commissioner of Mental Health and Addiction Services
193 shall select chairpersons from among the members of the working
194 group. Such chairpersons shall schedule the first meeting of the working
195 group, which shall be held not later than sixty days after the effective
196 date of this section.

197 (c) Not later than January 1, 2024, the chairpersons of the working
198 group shall report, in accordance with the provisions of section 11-4a of
199 the general statutes, to the joint standing committee of the General
200 Assembly having cognizance of matters relating to public health and the
201 judiciary regarding the findings of the working group.

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

204 (a) If at any time after [the confinement of an acquittee in a hospital
205 for psychiatric disabilities or] the placement of an acquittee with the
206 Commissioner of Developmental Services pursuant to order of the
207 board, [the superintendent of such hospital or] said commissioner is of
208 the opinion that the acquittee's psychiatric supervision and treatment
209 would be advanced by permitting the acquittee to leave [such hospital

210 or] the custody of said commissioner temporarily, [the superintendent
211 or] said commissioner shall apply to the board for an order authorizing
212 temporary leaves. The application shall include a statement of reasons
213 in support thereof. The board shall send a copy of the application to the
214 state's attorney. The board may order a hearing on the application and
215 shall order such a hearing if the state's attorney files with the board a
216 request therefor within ten days of his receipt of the application. The
217 board shall grant the application, subject to such conditions and
218 supervision as the board may set in the order for temporary leave, if it
219 concludes that the acquittee's temporary leave, under the conditions
220 specified, would not constitute a danger to [himself] the acquittee or
221 others. If such application is granted, the acquittee may be permitted to
222 leave [such hospital or] the custody of said commissioner temporarily,
223 under the charge of his guardian, relatives or friends, or by himself or
224 herself, at such times and under such conditions as [the superintendent
225 or] said commissioner deems appropriate, unless the order of the board
226 provides otherwise. [The provisions of section 17a-521 not inconsistent
227 with this section shall be applicable to temporary leaves authorized by
228 this section.]

229 (b) If at any time after the confinement of an acquittee in a hospital
230 for psychiatric disabilities pursuant to order of the board, the
231 superintendent of such hospital is of the opinion that the acquittee's
232 psychiatric supervision and treatment would be advanced by
233 permitting the acquittee to leave such hospital temporarily, the
234 superintendent may issue an order authorizing a temporary leave in
235 accordance with the provisions of section 17a-521, as amended by this
236 act.

237 [(b)] (c) The board may designate any capable person or appropriate
238 public or private agency to supervise the acquittee on temporary leave
239 pursuant to subsection (a) of this section. Prior to any designation, the
240 board shall notify the person or agency that the board contemplates
241 designating to supervise the acquittee's temporary leave and provide
242 the person or agency with an opportunity to be heard before the board.

243 Any person or agency designated by the board to supervise the
244 acquittee's temporary leave shall comply with such conditions as the
245 board sets in the order for temporary leave.

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

248 Except as otherwise provided in this section, the superintendent of
249 any institution used wholly or in part for the care of persons with
250 psychiatric disabilities or the director of the Whiting Forensic Hospital
251 may, under such provisions or agreements as the director deems
252 advisable for psychiatric supervision, permit any patient of the
253 institution under the director's charge, including, but not limited to, a
254 person confined to such institution or said hospital under the provisions
255 of section 17a-584, as amended by this act, temporarily to leave such
256 institution, in charge of his guardian, relatives or friends, or by himself
257 or herself. [A person confined to a hospital for psychiatric disabilities
258 under the provisions of section 17a-584 may leave the hospital
259 temporarily as provided under the provisions of section 17a-587.] In the
260 case of committed persons, the original order of commitment shall
261 remain in force and effect during absence from the institution either on
262 authorized or unauthorized leave until such patient is officially
263 discharged by the authorities of such institution or such order is
264 superseded by a court of competent jurisdiction. In the case of a patient
265 on authorized leave, if it appears to be for the best interest of the public
266 or for the interest and benefit of such patient, the patient may return or
267 be returned by the patient's guardian, relatives or friends or the patient
268 may be recalled by the authorities of such institution, at any time during
269 such temporary absence and prior to the patient's official discharge.
270 With respect both to patients on authorized and unauthorized leave,
271 state or local police shall, on the request of the authorities of any such
272 institution, assist in the rehospitalization of any patient on temporary
273 leave or of any other patient committed to such institution by a court of
274 competent jurisdiction or any person who is a patient under the
275 provisions of section 17a-502, if, in the opinion of such authorities, the

276 patient's condition warrants such assistance. The expense, if any, of such
277 recall or return shall, in the case of an indigent, be paid by those
278 responsible for the patient's support or, in the case of a pauper, by the
279 state. Leave under this section shall not be available to any person who
280 is under a term of imprisonment or who has not met the requirements
281 of the condition of release set to provide reasonable assurance of such
282 person's appearance in court.

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

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

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

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

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

322 Sec. 11. Subsection (b) of section 17a-582 of the general statutes is
323 repealed and the following is substituted in lieu thereof (*Effective October*
324 *1, 2022*):

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

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

341 thereof (Effective October 1, 2022):

342 (a) "Institution" means a hospital, short-term hospital special hospice,
 343 hospice inpatient facility, residential care home, nursing home facility,
 344 home health care agency, home health aide agency, behavioral health
 345 facility, assisted living services agency, substance abuse treatment
 346 facility, outpatient surgical facility, outpatient clinic, an infirmary
 347 operated by an educational institution for the care of students enrolled
 348 in, and faculty and employees of, such institution; a facility engaged in
 349 providing services for the prevention, diagnosis, treatment or care of
 350 human health conditions, including facilities operated and maintained
 351 by any state agency; and a residential facility for persons with
 352 intellectual disability licensed pursuant to section 17a-227 and certified
 353 to participate in the Title XIX Medicaid program as an intermediate care
 354 facility for individuals with intellectual disability; [. "Institution" does
 355 not include any facility for the care and treatment of persons with
 356 mental illness or substance use disorder operated or maintained by any
 357 state agency, except Whiting Forensic Hospital and the hospital and
 358 psychiatric residential treatment facility units of the Albert J. Solnit
 359 Children's Center;]

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	17a-565
Sec. 3	<i>October 1, 2022</i>	17a-582(e)
Sec. 4	<i>October 1, 2022</i>	17a-584
Sec. 5	<i>October 1, 2022</i>	17a-593(g)
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>October 1, 2022</i>	17a-587
Sec. 8	<i>October 1, 2022</i>	17a-521
Sec. 9	<i>October 1, 2022</i>	17a-599
Sec. 10	<i>from passage</i>	New section
Sec. 11	<i>October 1, 2022</i>	17a-582(b)
Sec. 12	<i>October 1, 2022</i>	19a-490(a)

PH *Joint Favorable Subst.*