

2486

FISCAL NOTE (Form 1)  
(Office of Fiscal Analysis)  
Analyst: EG/JS 5/6/92  
cz  
Version: 12

BILL NUMBER: SHB 5862  
FILE NUMBER:  
AMENDMENTS: House "A"  
Senate "A"

TITLE: "AN ACT CONCERNING CONFIDENTIAL COMMUNICATIONS MADE TO  
MARITAL AND FAMILY THERAPISTS, SOCIAL WORKERS,  
PSYCHIATRISTS AND PSYCHOLOGISTS"

FAVORABLY REPORTED BY Judiciary, Public Health

EFFECTIVE DATE: 7/1/92

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FISCAL IMPACT STATEMENT - BILL NUMBER SHB 5862

STATE IMPACT	Cost and Revenue, No Net Fiscal Impact, see explanation below
MUNICIPAL IMPACT	None
STATE AGENCY(S)	Psychiatric Security Review Board, Department of Mental Health, Department of Health Services

EXPLANATION OF ESTIMATES:

Passage of the bill as amended would result in no net fiscal impact to the State. The bill as amended would provide for the disclosure of the privileged communications of a patient to a member of the immediate family of the victim of a homicide committed by the patient where such patient has, on or after July 1, 1989, been found not guilty of such offense by reason of mental disease or defect pursuant to Section 53a-13, provided the family or legal representative requires the disclosure of the communication within six years of the finding and only during the pendency of, and for use in, a civil action relating to the patient. Costs may be incurred by the Department of Mental Health (DMH) and/or the Psychiatric Security Review Board (PSRB) from copying and providing to the victim's family the large volumes of communications and records that exist for such patient. However, under the Freedom of Information Act, the DMH and the PSRB are allowed to charge for the cost of copying the documents and records which may be requested as a result of the bill as amended and may require payment in advance. It is anticipated that these charges would be sufficient to reimburse the State for any additional costs which would be incurred by the agencies.

The provisions of the bill as amended establishing guidelines concerning the confidentiality and disclosure of communications (and related records) between certified marital and family therapists and social workers and their patients would result in no additional cost or savings to the State. Though the

bill as amended concerns mental health professionals licensed by the Department of Health Services (DOHS), the bill would not change the workload nor the regulatory responsibilities of the DOHS.

Finally, the change in the effective date of the bill, from October 1, to July 1, 1992, is not anticipated to result in a fiscal impact to the State.

House "A" specifies that privileged communications of a patient may be disclosed to a member of the immediate family of the victim of a homicide committed by the patient where such patient has, on or after July 1, 1989, been found not guilty of such offense by reason of mental disease or defect pursuant to Section 53a-13, provided the family or legal representative requests the disclosure of the communication within six years of the finding. The original bill would have allowed disclosure to homicide victims' families information about patients found not guilty of a homicide due to mental disease or defect and seeking discharge from PSRB. Also, the amendment changes the effective date of the bill from October 1, to July 1, 1992.

Senate "A" provides that such communications shall be disclosed only during the pendency of, and for use in, a civil action relating to the patient.

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