



General Assembly

Amendment

January Session, 2015

LCO No. 7900



Offered by:

SEN. LOONEY, 11th Dist.

SEN. GERRATANA, 6th Dist.

To: Subst. Senate Bill No. 1089

File No. 862

Cal. No. 381

"AN ACT CONCERNING MENTAL HEALTH SERVICES."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 17a-502 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2015*):

5 (a) Any person who a physician or advanced practice registered
6 nurse, as described in this subsection, concludes has psychiatric
7 disabilities and is dangerous to himself or others or gravely disabled,
8 and is in need of immediate care and treatment in a hospital for
9 psychiatric disabilities, may be confined in such a hospital, either
10 public or private, under an emergency certificate as hereinafter
11 provided for not more than fifteen days without order of any court,
12 unless a written application for commitment of such person has been
13 filed in a probate court prior to the expiration of the fifteen days, in
14 which event such commitment is continued under the emergency
15 certificate for an additional fifteen days or until the completion of

16 probate proceedings, whichever occurs first. In no event shall such
17 person be admitted to or detained at any hospital, either public or
18 private, for more than fifteen days after the execution of the original
19 emergency certificate, on the basis of a new emergency certificate
20 executed at any time during the person's confinement pursuant to the
21 original emergency certificate; and in no event shall more than one
22 subsequent emergency certificate be issued within fifteen days of the
23 execution of the original certificate. If at the expiration of the fifteen
24 days a written application for commitment of such person has not been
25 filed, such person shall be discharged from the hospital. At the time of
26 delivery of such person to such hospital, there shall be left, with the
27 person in charge thereof, a certificate, signed by (1) a physician
28 licensed to practice medicine or surgery in Connecticut, or (2) an
29 advanced practice registered nurse licensed to practice in the state who
30 is employed by such hospital in the hospital's emergency department,
31 and dated not more than three days prior to its delivery to the person
32 in charge of the hospital. Such certificate shall state the date of
33 personal examination of the person to be confined, which shall be not
34 more than three days prior to the date of signature of the certificate,
35 shall state the findings of [the] such physician or advanced practice
36 registered nurse relative to the physical and mental condition of the
37 person and the history of the case, if known, and shall state that it is
38 the opinion of [the] such physician or advanced practice registered
39 nurse that the person examined has psychiatric disabilities and is
40 dangerous to himself or herself or others or gravely disabled and is in
41 need of immediate care and treatment in a hospital for psychiatric
42 disabilities. Such physician or advanced practice registered nurse shall
43 state on such certificate the reasons for his or her opinion.

44 (b) Any person admitted and detained under this section shall be
45 examined by a physician specializing in psychiatry not later than forty-
46 eight hours after admission as provided in section 17a-545, except that
47 any person admitted and detained under this section at a chronic
48 disease hospital shall be so examined not later than thirty-six hours
49 after admission. If such physician is of the opinion that the person does

50 not meet the criteria for emergency detention and treatment, such
51 person shall be immediately discharged. The physician shall enter the
52 physician's findings in the patient's record.

53 (c) Any person admitted and detained under this section shall be
54 promptly informed by the admitting facility that such person has the
55 right to consult an attorney, the right to a hearing under subsection (d)
56 of this section, and that if such a hearing is requested or a probate
57 application is filed, such person has the right to be represented by
58 counsel, and that counsel will be provided at the state's expense if the
59 person is unable to pay for such counsel. The reasonable compensation
60 for counsel provided to persons unable to pay shall be established by,
61 and paid from funds appropriated to, the Judicial Department,
62 however, if funds have not been included in the budget of the Judicial
63 Department for such purposes, such compensation shall be established
64 by the Probate Court Administrator and paid from the Probate Court
65 Administration Fund.

66 (d) If any person detained under this section, or his or her
67 representative, requests a hearing, in writing, such hearing shall be
68 held within seventy-two hours of receipt of such request, excluding
69 Saturdays, Sundays and holidays. At such hearing, the person shall
70 have the right to be present, to cross-examine all witnesses testifying,
71 and to be represented by counsel as provided in section 17a-498. The
72 hearing may be requested at any time prior to the initiation of
73 proceedings under section 17a-498. The hearing shall be held by the
74 court of probate having jurisdiction for commitment as provided in
75 section 17a-497, and the hospital shall immediately notify such court of
76 any request for a hearing by a person detained under this section. At
77 the conclusion of the hearing, if the court finds that there is probable
78 cause to conclude that the person is subject to involuntary confinement
79 under this section, considering the condition of the respondent at the
80 time of the admission and at the time of the hearing, and the effects of
81 medication, if any, and the advisability of continued treatment based
82 on testimony from the hospital staff, the court shall order that such

83 person's detention continue for the remaining time provided for
84 emergency certificates or until the completion of probate proceedings
85 under section 17a-498.

86 (e) The person in charge of every private hospital for psychiatric
87 disabilities in the state shall, on a quarterly basis, supply the
88 Commissioner of Mental Health and Addiction Services, in writing
89 with statistics that state for the preceding quarter, the number of
90 admissions of type and the number of discharges for that facility. Said
91 commissioner may adopt regulations to carry out the provisions of this
92 subsection.

93 (f) The superintendent or director of any hospital for psychiatric
94 disabilities shall immediately discharge any patient admitted and
95 detained under this section who is later found not to meet the
96 standards for emergency detention and treatment.

97 (g) Any person admitted and detained at any hospital for
98 psychiatric disabilities under this section shall, upon admission to such
99 hospital, furnish the name of his or her next of kin or close friend. The
100 superintendent or director of such hospital shall notify such next of kin
101 or close friend of the admission of such patient and the discharge of
102 such patient, provided such patient consents, in writing, to such
103 notification of his or her discharge.

104 (h) No person, who a physician or advanced practice registered
105 nurse concludes has active suicidal or homicidal intent, may be
106 admitted to or detained at a chronic disease hospital under an
107 emergency certificate issued pursuant to this section, unless such
108 chronic disease hospital is certified under Medicare as an acute care
109 hospital with an inpatient prospective payment system excluded
110 psychiatric unit."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	October 1, 2015	17a-502

