



General Assembly

January Session, 2021

***Raised Bill No. 6398***

LCO No. 2945



Referred to Committee on PUBLIC HEALTH

Introduced by:  
(PH)

***AN ACT CONCERNING VARIOUS REVISIONS TO STATUTES  
CONCERNING THE DEPARTMENT OF MENTAL HEALTH AND  
ADDICTION SERVICES.***

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

1 Section 1. Subsection (a) of section 17a-548 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective October*  
3 *1, 2021*):

4 (a) Any patient shall be permitted to wear his or her own clothes; to  
5 keep and use personal possessions including toilet articles; to be present  
6 during any search of his or her personal possessions, except a patient  
7 hospitalized in the maximum security service of Whiting Forensic  
8 Hospital when such search is conducted by police officers and probable  
9 cause exists that contraband or hazardous items are hidden in the  
10 patient's living area; to have access to individual storage space for such  
11 possessions; and in such manner as determined by the facility to spend  
12 a reasonable sum of his or her own money for canteen expenses and  
13 small purchases. These rights shall be denied only if the superintendent,  
14 director or his or her authorized representative determines that it is

15 medically harmful to the patient to exercise such rights. An explanation  
16 of such denial shall be placed in the patient's permanent clinical record.

17 Sec. 2. Section 17a-565 of the general statutes is repealed and the  
18 following is substituted in lieu thereof (*Effective October 1, 2021*):

19 There shall be an advisory board for Whiting Forensic Hospital,  
20 constituted as follows: The Commissioner of Mental Health and  
21 Addiction Services, three physicians licensed to practice in this state,  
22 two of whom shall be psychiatrists, two attorneys of this state, at least  
23 one of whom shall be in active practice and have at least five years'  
24 experience in the trial of criminal cases, one licensed psychologist with  
25 experience in clinical psychology, one licensed clinical social worker,  
26 [and] one person actively engaged in business who shall have at least  
27 ten years' experience in business management, and two persons with  
28 psychiatric disabilities, at least one of whom shall have received  
29 inpatient services in a psychiatric hospital. Annually, on October first,  
30 the Governor shall appoint a member or members to replace those  
31 whose terms expire for terms of five years each. The board shall elect a  
32 chairman and a secretary, who shall keep full and accurate minutes of  
33 its meetings and preserve the same. The board shall meet at the call of  
34 the chairman at least quarterly. Members of the board shall receive no  
35 compensation for their duties as such but shall be reimbursed for their  
36 actual expenses incurred in the course of their duties. Said board shall  
37 confer with the staff of the hospital and give general consultative and  
38 advisory services on problems and matters relating to its work. On any  
39 matter relating to the work of the hospital, the board may also confer  
40 with the warden or superintendent of the affected Connecticut  
41 correctional institution.

42 Sec. 3. Section 17a-450 of the general statutes is repealed and the  
43 following is substituted in lieu thereof (*Effective from passage*):

44 (a) There shall be a Department of Mental Health and Addiction  
45 Services headed by a Commissioner of Mental Health and Addiction  
46 Services, appointed by the Governor with the advice of the Board of

47 Mental Health and Addiction Services established pursuant to section  
48 17a-456.

49 (b) For the purposes of chapter 48, the Department of Mental Health  
50 and Addiction Services shall be organized to promote comprehensive,  
51 client-based services in the areas of mental health treatment and  
52 substance abuse treatment and to ensure the programmatic integrity  
53 and clinical identity of services in each area. The department shall  
54 perform the functions of: Centralized administration, planning and  
55 program development; prevention and treatment programs and  
56 facilities, both inpatient and outpatient, for persons with psychiatric  
57 disabilities or persons with substance use disorders, or both; community  
58 mental health centers and community or regional programs and  
59 facilities providing services for persons with psychiatric disabilities or  
60 persons with substance use disorders, or both; training and education;  
61 and research and evaluation of programs and facilities providing  
62 services for persons with psychiatric disabilities or persons with  
63 substance use disorders, or both. The department shall include, but not  
64 be limited to, the following divisions and facilities or their successor  
65 facilities: The office of the Commissioner of Mental Health and  
66 Addiction Services; Capitol Region Mental Health Center; Connecticut  
67 Valley Hospital, including the Addictions Division and the General  
68 Psychiatric Division of Connecticut Valley Hospital; the Whiting  
69 Forensic Hospital; the Connecticut Mental Health Center; Ribicoff  
70 Research Center; the Southwest Connecticut Mental Health System,  
71 including the Franklin S. DuBois Center and the Greater Bridgeport  
72 Community Mental Health Center; the Southeastern Mental Health  
73 Authority; River Valley Services; the Western Connecticut Mental  
74 Health Network; and any other state-operated facility for the treatment  
75 of persons with psychiatric disabilities or persons with substance use  
76 disorders, or both, but shall not include those portions of such facilities  
77 transferred to the Department of Children and Families for the purpose  
78 of consolidation of children's services. All department divisions and  
79 facilities shall provide their patient records to the electronic health  
80 record system established pursuant to subdivision (7) of subsection (c)

81 of this section. Disclosures of patient information from the electronic  
82 health record system outside of the department shall be in accordance  
83 with applicable federal and state law.

84 (c) The Department of Mental Health and Addiction Services may:

85 (1) Solicit and accept for use any gift of money or property made by  
86 will or otherwise, and any grant of money, services or property from the  
87 federal government, the state or any political subdivision thereof or any  
88 private source, and do all things necessary to cooperate with the federal  
89 government or any of its agencies in making an application for any  
90 grant;

91 (2) Keep records and engage in research and the gathering of relevant  
92 statistics;

93 (3) Work with public or private agencies, organizations, facilities or  
94 individuals to ensure the operation of the programs set forth in  
95 accordance with sections 17a-75 to 17a-83, inclusive, 17a-450 to [17a-484]  
96 17a-488a, inclusive, 17a-495 to 17a-528, inclusive, 17a-540 to 17a-550,  
97 inclusive, 17a-560 to 17a-575, inclusive, 17a-580 to 17a-603, inclusive,  
98 and 17a-615 to 17a-618, inclusive;

99 (4) Hold hearings, issue subpoenas, administer oaths, compel  
100 testimony and order production of books, papers and records in the  
101 performance of its duties;

102 (5) Operate trustee accounts, in accordance with procedures  
103 prescribed by the Comptroller, on behalf of inpatient and outpatient  
104 department clients;

105 (6) Notwithstanding [any] the provisions of sections 4-101 and 17b-  
106 239<sub>2</sub> [to the contrary,] establish medical reimbursement rates for  
107 behavioral health services including, but not limited to, inpatient,  
108 outpatient and residential services purchased by the department; [and]

109 (7) Establish and utilize an electronic health record system that allows  
110 authorized department personnel to have access to patient health

111 information, including psychiatric records from any of the department's  
112 divisions and facilities set forth in subsection (b) of this section for  
113 purposes of (A) providing diagnosis and treatment, and (B) improving  
114 the department's health care operations, as defined in 42 CFR 164.501;  
115 and

116 [(7)] (8) Perform such other acts and functions as may be necessary or  
117 convenient to execute the authority expressly granted to it.

118 (d) The Department of Mental Health and Addiction Services is  
119 designated as the lead state agency for substance abuse prevention and  
120 treatment in this state, and as such is designated as the state methadone  
121 authority. As the designated state methadone authority, the department  
122 is authorized by the federal Center for Substance Abuse Treatment of  
123 the Substance Abuse and Mental Health Services Administration within  
124 the United States Department of Health and Human Services to exercise  
125 responsibility and authority for the treatment of opiate addiction with  
126 an opioid medication, and specifically for: (1) Approval of exceptions to  
127 federal opioid treatment protocols in accordance with the Center for  
128 Substance Abuse Treatment, (2) monitoring all opioid treatment  
129 programs in the state, and (3) approval of Center for Substance Abuse  
130 Treatment certification of all opioid treatment programs in the state. The  
131 Commissioner of Mental Health and Addiction Services may adopt  
132 regulations in accordance with chapter 54 to carry out the provisions of  
133 this subsection.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2021</i>	17a-548(a)
Sec. 2	<i>October 1, 2021</i>	17a-565
Sec. 3	<i>from passage</i>	17a-450

**Statement of Purpose:**

To allow (1) patients in the maximum security building at Whiting Forensic Hospital to be present during routine searches of personal belongings and to add two members to the hospital's advisory board,

and (2) the Department of Mental Health and Addiction Services to use one electronic health record system that all clinical staff can use for documentation across all department clinics and 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.]*