



General Assembly

**Amendment**

January Session, 2023

LCO No. 8197



Offered by:

SEN. SEMINARA, 8<sup>th</sup> Dist.  
SEN. KELLY, 21<sup>st</sup> Dist.  
SEN. SOMERS, 18<sup>th</sup> Dist.  
SEN. SAMPSON, 16<sup>th</sup> Dist.

SEN. MARTIN, 31<sup>st</sup> Dist.  
SEN. HARDING, 30<sup>th</sup> Dist.  
SEN. KISSEL, 7<sup>th</sup> Dist.

To: Senate Bill No. 2

File No. 77

Cal. No. 73

(As Amended)

**"AN ACT CONCERNING THE MENTAL, PHYSICAL AND EMOTIONAL WELLNESS OF CHILDREN."**

1 Strike sections 1 and 3 in their entirety and renumber the remaining  
2 sections and internal references accordingly

3 Strike sections 10 and 11 in their entirety and substitute the following  
4 in lieu thereof:

5 "Sec. 10. (NEW) (*Effective July 1, 2023*) (a) There is established the  
6 position of the Behavioral Health Advocate who shall be within the  
7 Office of the Health Care Advocate and appointed pursuant to the  
8 provisions of section 11 of this act.

9 (b) The Behavioral Health Advocate may:

10 (1) Assist mental and behavioral health care providers, who are  
11 licensed, certified or registered in the state, with receiving payments for  
12 claims submitted to health carriers for services provided to covered  
13 patients;

14 (2) Assist state residents with accessing mental and behavioral health  
15 care and related resources;

16 (3) Provide information to the public, agencies, legislators and others  
17 regarding the problems and concerns of mental and behavioral health  
18 care providers and patients and make recommendations for resolving  
19 such problems and concerns;

20 (4) Analyze and monitor the development and implementation of  
21 federal, state and local laws, regulations and policies relating to mental  
22 and behavioral health care and recommend changes as necessary;

23 (5) Facilitate public comment by mental and behavioral health care  
24 providers and patients on laws, regulations and policies, including, but  
25 not limited to, the policies and actions of health carriers;

26 (6) Coordinate services with the Healthcare Advocate to assist  
27 individuals with obtaining access to and coverage for mental and  
28 behavioral health care services and to fulfill the duties set forth in  
29 subsections (e) and (g) of section 38a-1041 of the general statutes;

30 (7) Ensure that mental and behavioral health care providers and  
31 patients have timely access to the services provided by the office;

32 (8) Pursue administrative remedies on behalf of and with the consent  
33 of any mental and behavioral health care providers and patients; and

34 (9) Take any other actions necessary to fulfill the purposes of this  
35 section.

36 (c) The Behavioral Health Advocate shall make a referral to the  
37 Insurance Commissioner if said advocate finds that a health carrier may  
38 have engaged in a pattern or practice that is in violation of any provision

39 of section 38a-476a or sections 38a-488a to 38a-489, inclusive, of the  
40 general statutes.

41 (d) All state agencies shall comply with reasonable requests of the  
42 Behavioral Health Advocate for information and assistance.

43 (e) Not later than January 1, 2024, and annually thereafter, the  
44 Behavioral Health Advocate shall submit, in accordance with the  
45 provisions of section 11-4a of the general statutes, to the joint standing  
46 committees of the General Assembly having cognizance of matters  
47 relating to children, public health and insurance and real estate a report  
48 concerning the activities of the Behavioral Health Advocate. The report  
49 shall include, but need not be limited to, (1) the subject matter,  
50 disposition and number of claims processed by the Behavioral Health  
51 Advocate on behalf of mental and behavioral health care providers and  
52 patients, (2) common problems and concerns discerned by the  
53 Behavioral Health Advocate from mental and behavioral health care  
54 providers, patients or other relevant sources, and (3) the need, if any, for  
55 administrative, legislative or executive remedies to assist mental and  
56 behavioral health care providers or patients.

57 Sec. 11. (NEW) (*Effective July 1, 2023*) (a) The Behavioral Health  
58 Advocate shall be appointed by the Governor, with the approval of the  
59 General Assembly. The Behavioral Health Advocate shall be an elector  
60 of the state with expertise and experience in the fields of mental or  
61 behavioral health care, health insurance and advocacy for parity in  
62 mental and behavioral health access and outcomes.

63 (b) The Governor shall make the initial appointment of the Behavioral  
64 Health Advocate from a list of candidates prepared and submitted, not  
65 later than February 1, 2024, to the Governor by the advisory committee  
66 established pursuant to section 21 of this act. The Governor shall notify  
67 the advisory committee of the pending expiration of the term of an  
68 incumbent Behavioral Health Advocate not less than ninety days prior  
69 to the final day of the Behavioral Health Advocate's term in office. If a  
70 vacancy occurs in the position of Behavioral Health Advocate, the

71 Governor shall notify the advisory committee immediately of the  
72 vacancy. The advisory committee shall meet to consider qualified  
73 candidates for the position of Behavioral Health Advocate and shall  
74 submit a list of not more than five candidates to the Governor ranked in  
75 order of preference, not more than sixty days after receiving notice from  
76 the Governor of the pending expiration of the Behavioral Health  
77 Advocate's term or the occurrence of a vacancy. The Governor shall  
78 designate, not more than sixty days after receipt of the list of candidates  
79 from the advisory committee, one candidate from the list for the position  
80 of Behavioral Health Advocate. If, after the list is submitted to the  
81 Governor by the advisory committee, any candidate withdraws from  
82 consideration, the Governor shall designate a candidate from those  
83 remaining on the list. If the Governor fails to designate a candidate  
84 within sixty days of receipt of the list from the advisory committee, the  
85 advisory committee shall refer the candidate with the highest ranking  
86 on the list to the General Assembly for confirmation. If the General  
87 Assembly is not in session at the time of the Governor's or advisory  
88 committee's designation of a candidate, the candidate shall serve as the  
89 acting Behavioral Health Advocate until the General Assembly meets  
90 and confirms the candidate as Behavioral Health Advocate. A candidate  
91 serving as acting Behavioral Health Advocate is entitled to  
92 compensation and has all the powers, duties and privileges of the  
93 Behavioral Health Advocate. A Behavioral Health Advocate shall serve  
94 a term of four years, not including any time served as acting Behavioral  
95 Health Advocate, and may be reappointed by the Governor or shall  
96 remain in the position until a successor is confirmed. Although an  
97 incumbent Behavioral Health Advocate may be reappointed, the  
98 Governor shall also consider additional candidates from a list submitted  
99 by the advisory committee as provided in this section.

100 (c) Upon a vacancy in the position of the Behavioral Health Advocate,  
101 the most senior attorney in the Office of the Healthcare Advocate shall  
102 serve as the acting Behavioral Health Advocate until the vacancy is  
103 filled pursuant to subsection (a) or (b) of this section. The acting  
104 Behavioral Health Advocate has all the powers, duties and privileges of

105 the Behavioral Health Advocate."

106 Strike sections 16 and 20 in their entirety and renumber the remaining  
107 sections and internal references accordingly

108 Strike section 21 in its entirety and substitute the following in lieu  
109 thereof:

110 "Sec. 21. (NEW) (*Effective July 1, 2023*) (a) There is established an  
111 advisory committee to the Behavioral Health Advocate which shall meet  
112 four times a year with the Behavioral Health Advocate and the staff of  
113 the Office of the Healthcare Advocate to review and assess the  
114 performance of the Behavioral Health Advocate. The advisory  
115 committee shall consist of seven members appointed one each by the  
116 president pro tempore of the Senate, the speaker of the House of  
117 Representatives, the majority leader of the Senate, the majority leader of  
118 the House of Representatives, the minority leader of the Senate, the  
119 minority leader of the House of Representatives and the Governor. Each  
120 member of the advisory committee shall serve a term of five years and  
121 may be reappointed at the conclusion of that term. All initial  
122 appointments to the advisory committee shall be made not later than  
123 October 1, 2023.

124 (b) The advisory committee shall make an annual evaluation of the  
125 effectiveness of the Behavioral Health Advocate and shall submit the  
126 evaluation to the Governor and the joint standing committees of the  
127 General Assembly having cognizance of matters relating to public  
128 health and insurance not later than January 1, 2025, and annually  
129 thereafter."

130 After the last section, add the following and renumber sections and  
131 internal references accordingly:

132 "Sec. 501. Subdivisions (10) to (13), inclusive, of subsection (b) of  
133 section 38a-1041 of the general statutes are repealed and the following  
134 is substituted in lieu thereof (*Effective July 1, 2023*):

135 (10) Establish a toll-free number, or any other free calling option, to  
136 allow customer access to the services provided by the Healthcare  
137 Advocate and the Behavioral Health Advocate;

138 (11) Pursue administrative remedies on behalf of and with the  
139 consent of any health insurance consumers;

140 (12) Adopt regulations, pursuant to chapter 54, to carry out the  
141 provisions of sections 38a-1040 to 38a-1050, inclusive, and section 10 of  
142 this act; and

143 (13) Take any other actions necessary to fulfill the purposes of  
144 sections 38a-1040 to 38a-1050, inclusive, and section 10 of this act."

This act shall take effect as follows and shall amend the following sections:		
Sec. 10	<i>July 1, 2023</i>	New section
Sec. 11	<i>July 1, 2023</i>	New section
Sec. 21	<i>July 1, 2023</i>	New section
Sec. 501	<i>July 1, 2023</i>	38a-1041(b)(10) to (13)