



General Assembly

February Session, 2022

Raised Bill No. 450

LCO No. 3403



Referred to Committee on PUBLIC HEALTH

Introduced by:
(PH)

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32 is repealed and the following is substituted in lieu thereof (*Effective from*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) There is established a task force to
162 study the Psychiatric Security Review Board established under section
163 17a-581 of the general statutes. Such study shall include, but need not
164 be limited to, an examination of the necessity for the continued existence
165 of said board.

166 (b) The task force shall consist of the following members:

167 (1) Two appointed by the speaker of the House of Representatives,
168 one of whom has expertise in public health and one of whom is a
169 member of the judiciary;

170 (2) Two appointed by the president pro tempore of the Senate, one of
171 whom is a defense attorney of the Judicial Department or the Public
172 Defender Services Commission and one of whom is a member of the
173 judiciary;

174 (3) One appointed by the majority leader of the House of
175 Representatives, who is a state's attorney;

176 (4) One appointed by the majority leader of the Senate, who is a
177 member of the joint standing committee of the General Assembly
178 having cognizance of matters relating to the judiciary;

179 (5) One appointed by the minority leader of the House of
180 Representatives, who is a physician specializing in psychiatry and
181 licensed under the provisions of sections 20-9 to 20-12, inclusive, of the
182 general statutes;

183 (6) One appointed by the minority leader of the Senate, who is an
184 acquittee, as defined in section 17a-580 of the general statutes;

185 (7) The Commissioner of Mental Health and Addiction Services, or
186 the commissioner's designee; and

187 (8) The Commissioner of Developmental Services, or the
188 commissioner's designee.

189 (c) Any member of the task force appointed under subdivision (1),
190 (2), (3), (5) or (6) of subsection (b) of this section may be a member of the
191 General Assembly.

192 (d) All initial appointments to the task force shall be made not later
193 than thirty days after the effective date of this section. Any vacancy shall
194 be filled by the appointing authority.

195 (e) The speaker of the House of Representatives and the president pro
196 tempore of the Senate shall select the chairpersons of the task force from
197 among the members of the task force. Such chairpersons shall schedule
198 the first meeting of the task force, which shall be held not later than sixty
199 days after the effective date of this section.

200 (f) The administrative staff of the joint standing committee of the
201 General Assembly having cognizance of matters relating to public
202 health shall serve as administrative staff of the task force.

203 (g) Not later than January 1, 2023, the task force shall submit a report,
204 in accordance with the provisions of section 11-4a of the general statutes,
205 on its findings and recommendations to the joint standing committee of
206 the General Assembly having cognizance of matters relating to public
207 health. The task force shall terminate on the date that it submits such
208 report or January 1, 2023, whichever is later.

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

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

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

244 [(b)] (c) The board may designate any capable person or appropriate
245 public or private agency to supervise the acquittee on temporary leave
246 pursuant to subsection (a) of this section. Prior to any designation, the
247 board shall notify the person or agency that the board contemplates
248 designating to supervise the acquittee's temporary leave and provide
249 the person or agency with an opportunity to be heard before the board.
250 Any person or agency designated by the board to supervise the
251 acquittee's temporary leave shall comply with such conditions as the
252 board sets in the order for temporary leave.

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

255 Except as otherwise provided in this section, the superintendent of
256 any institution used wholly or in part for the care of persons with
257 psychiatric disabilities or the director of the Whiting Forensic Hospital
258 may, under such provisions or agreements as the director deems
259 advisable for psychiatric supervision, permit any patient of the
260 institution under the director's charge, including, but not limited to, a
261 person confined to such institution or said hospital under the provisions
262 of section 17a-584, as amended by this act, temporarily to leave such
263 institution, in charge of his guardian, relatives or friends, or by himself
264 or herself. [A person confined to a hospital for psychiatric disabilities
265 under the provisions of section 17a-584 may leave the hospital
266 temporarily as provided under the provisions of section 17a-587.] In the
267 case of committed persons, the original order of commitment shall
268 remain in force and effect during absence from the institution either on

269 authorized or unauthorized leave until such patient is officially
270 discharged by the authorities of such institution or such order is
271 superseded by a court of competent jurisdiction. In the case of a patient
272 on authorized leave, if it appears to be for the best interest of the public
273 or for the interest and benefit of such patient, the patient may return or
274 be returned by the patient's guardian, relatives or friends or the patient
275 may be recalled by the authorities of such institution, at any time during
276 such temporary absence and prior to the patient's official discharge.
277 With respect both to patients on authorized and unauthorized leave,
278 state or local police shall, on the request of the authorities of any such
279 institution, assist in the rehospitalization of any patient on temporary
280 leave or of any other patient committed to such institution by a court of
281 competent jurisdiction or any person who is a patient under the
282 provisions of section 17a-502, if, in the opinion of such authorities, the
283 patient's condition warrants such assistance. The expense, if any, of such
284 recall or return shall, in the case of an indigent, be paid by those
285 responsible for the patient's support or, in the case of a pauper, by the
286 state. Leave under this section shall not be available to any person who
287 is under a term of imprisonment or who has not met the requirements
288 of the condition of release set to provide reasonable assurance of such
289 person's appearance in court.

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

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

301 (b) The Commissioner of Mental Health and Addiction Services may

302 transfer any acquittee who requires (1) confinement under conditions of
303 maximum security pursuant to subsection (a) of this section, and (2)
304 medical treatment that is unavailable in the maximum security
305 environment or would constitute a safety hazard to the acquittee or
306 others due to the use of certain medical equipment or material, to a
307 facility that can provide such medical treatment, provided (A) the
308 commissioner ensures that the conditions of custody of the acquittee at
309 such facility are and remain equivalent to conditions of maximum
310 security, (B) the commissioner [provides immediate written justification
311 to the board upon such transfer] consults with a licensed health care
312 provider who has evaluated the acquittee regarding such transfer and
313 the licensed health care provider approves of such transfer, and (C)
314 transfer of the acquittee back to the maximum security setting occurs
315 upon completion of the medical treatment.

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

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

329 Sec. 11. Subsection (b) of section 17a-582 of the general statutes is
330 repealed and the following is substituted in lieu thereof (*Effective October*
331 *1, 2022*):

332 (b) Not later than sixty days after the order of commitment pursuant
333 to subsection (a) of this section, the superintendent of such hospital or

334 the Commissioner of Developmental Services shall cause the acquittee
335 to be examined, provided the examination of an acquittee committed to
336 the Department of Mental Health and Addiction Services shall not be
337 performed by any employee of any of the state hospitals for psychiatric
338 disabilities, and file a report of the examination with the court, and shall
339 send a copy thereof to the state's attorney and counsel for the acquittee,
340 setting forth the superintendent's or said commissioner's findings and
341 conclusions as to whether the acquittee is a person who should be
342 discharged. The report shall indicate whether the acquittee submitted
343 or refused to submit to the taking of a blood or other biological sample
344 pursuant to subsection (c) of section 54-102g.

345 Sec. 12. Subsection (a) of section 19a-490 of the 2022 supplement to
346 the general statutes, as amended by section 29 of public act 21-2 of the
347 June special session, is repealed and the following is substituted in lieu
348 thereof (*Effective October 1, 2022*):

349 (a) "Institution" means a hospital, short-term hospital special hospice,
350 hospice inpatient facility, residential care home, nursing home facility,
351 home health care agency, home health aide agency, behavioral health
352 facility, assisted living services agency, substance abuse treatment
353 facility, outpatient surgical facility, outpatient clinic, an infirmary
354 operated by an educational institution for the care of students enrolled
355 in, and faculty and employees of, such institution; a facility engaged in
356 providing services for the prevention, diagnosis, treatment or care of
357 human health conditions, including facilities operated and maintained
358 by any state agency; and a residential facility for persons with
359 intellectual disability licensed pursuant to section 17a-227 and certified
360 to participate in the Title XIX Medicaid program as an intermediate care
361 facility for individuals with intellectual disability; [. "Institution" does
362 not include any facility for the care and treatment of persons with
363 mental illness or substance use disorder operated or maintained by any
364 state agency, except Whiting Forensic Hospital and the hospital and
365 psychiatric residential treatment facility units of the Albert J. Solnit
366 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)

Statement of Purpose:

To make various revisions to the statutes governing Connecticut Valley and Whiting Forensic 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.]