

<b>Act Number</b>	<b>Session</b>	<b>Bill Number</b>	<b>Total Number of Committee Pages</b>	<b>Total Number of House Pages</b>	<b>Total Number of Senate Pages</b>
PA 71-263		5299	5	1	2
<u>Committee Pages:</u> <ul style="list-style-type: none"> <li><i>Corrections, Welfare &amp; Humane Institutions</i> 248</li> <li><i>Corrections, Welfare &amp; Humane Institutions</i> 265-268</li> </ul>				<u>House Pages:</u> <ul style="list-style-type: none"> <li>2080</li> </ul>	<u>Senate Pages:</u> <ul style="list-style-type: none"> <li>1702- 1703</li> </ul>

**H-112**

**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
1971**

**VOL. 14  
PART 5  
1968-2502**

Tuesday, May 4, 1971

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Is there anyone here to speak for the executive? Will you remark further on the bill? If not, all those in favor indicate by saying aye.

Opposed? The bill is PASSED.

THE CLERK:

Calendar No. 618, substitute for H.B. No. 5299, An Act Concerning the Confidentiality of Communications and Records of Mental Patients, File No. 571.

THE SPEAKER:

The Chair recognizes the Chairman of the Committee on Corrections, Welfare and Humane Institutions, Rep. Brown from the 148th.

MR. BROWN (148th):

Mr. Speaker, I move for acceptance of the Joint Committee's favorable report and passage of the bill.

THE SPEAKER:

Will you remark?

MR. BROWN (148th):

Mr. Speaker, this bill will allow for the Central Collection Division to be entitled to receive information and records of mental patients solely for the purpose of obtaining support for the care of such a mental patient. This would mean that it would be able to allow information for courts, for agencies and cooperation dispensing such benefits. This will be very helpful to the humane institutions and to the patients who unfortunately are in the position that they are in and will provide for their care. I would move for adoption, Mr. Speaker.

THE SPEAKER:

Further remarks on the bill? If not, all those in favor indicate by saying aye. Opposed? The bill is PASSED.

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**CONNECTICUT  
GENERAL ASSEMBLY**

**SENATE**

**PROCEEDINGS  
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**VOL. 14  
PART 4  
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THE CHAIR:

The question is on paggage of the bill. Will you remark further? If not all those in favor of passage of the bill signify by saying aye. AYE. Opposed nay. The ayes have it. The bill is passed.

THE CLERK:

Page 5, top of the page first item, Cal. 571, File 571 Favorable report of the joint standing committee on Corrections, Welfare and Humane Institutions on Substitute H.B. 5299. An Act Concerning the Confidentiality of Communications and R<sup>u</sup>rcords of Mental Patients.

THE CHAIR:

S<sup>n</sup>ator Ciarlone

SENATOR CIARLONE:

Mr. President, Imove acceptance of the joint committee's favoraable report and passage of the bill.

THE CHAIR:

Will you remark?

SENATOR CIARLONE:

Mr. President, this bill enables the Central Collections Division of the Department of Finance and Control to receive confidential information establishing eligibility requirements for those people under title 19, veteran's benefits or Social Security benefits disability benefits. Without establishing their eligibility they would not be able to receive the federal

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maximum grants. Its a good bill, I urge its adoption.

THE CHAIR:

The question is on passage of the bill. Will you remark further? If not all those in favor of passage signify by saying aye. AYE. Opposed nay? The ayes have it. The bill is passed.

THE CLERK:

Cal. 572, File 811, Favorable report joint standing committee on Education Substitute H.B. 5694 An Act Concerning Professional Communication Between A Teacher and A Student.

THE CHAIR:

Senator Mondani:

SENATOR MONDANI:

Mr. President, I move acceptance of the joint committee's favorable report and passage in concurrence with the House.

THE CHAIR:

Will you remark?

SENATOR MONDANI:

Mr. President, this bill setting up the professional communication between teacher and student allows teachers to help students, especially those where the student's problem revolves around drug or cases with alcohol. Without the requirement that the teacher divulge the information gained. The teacher as defined here in other sections of the statute would pick up the regular public school teachers and the faculty at the state colleges, guidance counselors, supervisors etc. But

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will provide for the terms and conditions for payment by the State for services to cases referred by State agencies to Day Care and Vocational Training programs affiliated with the Connecticut Association for Retarded Children Incorporated. I would urge your favorable consideration of this Bill. Apparently the funding has not been properly administered in the past. Thank you.

Rep. Chagnon: Are there any other Representatives or Senators? If not, with the numbers of you people in attendance, I don't see why we can't proceed with the order of business and if some of the Representatives or Senators should come in, if the public would be kind as to favor them with an opportunity, we'll move along and not tie you folks up. I have as speakers, listed here, George Zalkan. Do I have that name right? I wonder if he was here for the other committee. Mr. Halstedt.

Mr. Halstedt: Mr. Chairman, Members of the Committee, my name is Ernest Halstedt, Assistant Attorney General. I'm here to discuss two bills, 5263 and 5299. If I may take the 5299 first, this is a Bill which seeks to secure for the new Central Collections Division of Finance and Control Department, such information concerning patients as it needs in order to perform its functions among which are to collect for care of patients and also to secure the appointment of fiduciaries to act for various patients. Part of their function is to determine eligibility for Title 19 awards. In the course of the performance of their functions, they are required to provide for example, to the Veterans Administration, to the Social Security Administration, details concerning the situation of patients, both respect and also as to their condition. There's a bit of fuss and feathers between the Mental Health Department and the Department of Finance and Control with respect to this Bill because, of course, the Mental Health Department is concerned about the confidentiality of its records and, on the other hand, Mr. Burrell of the Central Collections Division is naturally concerned about having the information he needs. I should like to advise the Committee that we are trying to work this out and expect to have it worked out tomorrow and I would respectfully ask that we be given the opportunity to come to some kind of agreement by way of proposed legislation which will protect that confidentiality and which will insure that whatever is disclosed to the Central Collections Division is used only for the purpose of performing their functions and is otherwise held completely confidential. With respect to House Bill 5263, this is a Bill which makes an effort in several respects to consolidate some of the work that is being done by the Central Collection Division because at the present time, there are a number of independent sections of statute under which there is, by agreement either between the Commissioner of Mental Health and the Commissioner of Finance and Control on the one hand, or the Commissioner of Health and the Commissioner of Finance and Control on the other hand, to determine the charges which will be made for

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We feel the combined affect of the guarantee and the anti-discrimination Bill would accomplish many of the objectives in procuring housing of a cash security deposit. On Senate Bill 728, this makes non-eligibility for support by the State a condition of eligibility for support by the town. This Bill, I believe, raises a ambiguity concerning the on-going availability of emergency assistance by the towns. Because of this ambiguity, we would, at this time, oppose the enactment of this Bill. On Senate Bill 736, this removes the income limitation specified as a condition of eligibility for participation in the incentive earnings programs promulgated by the towns. We support the removal of this limitation. We also would support the removal of other statutory limitations which limit the discretion of the Welfare Commissioner to establish a fully effective incentive earnings program. We favor, instead, the granting of full authority to the Welfare Commissioner, to determine what is the most sensible kind of incentive earnings program. Thank you.

Rep. Chagnon: Thank you very much. Any questions? J. R. Boyle, Assistant Commissioner of Mental Health.

Mr. Boyle: Thank you. I have already spoken and agreed with Mr. Early.

Rep. Chagnon: Thank you. Dr. Marsh.

Dr. Marsh: I will submit to you some memos later. Now, I've got a lot of notes here, and I'm going to take less than an hour. I'm Dr. Elias Marsh. I'm a psychiatrist. I'm speaking as a Chairman of Task Force on Confidentiality of the Connecticut State Department of Mental Health and I'm speaking primarily in regard to House Bill 5299, that Mr. Halstedt and Mr. Boyle referred to earlier and referred to as if it were primarily a fiscal matter. And when you suggested that this apparently the difference between the two departments being discussed with you in Executive Session, I think that this is appropriate if it were simply a fiscal matter. But I would like to call to your attention, in Public Hearing, that there is a lot more involved in this than simply the fiscal matter on it. I would be very brief in the hopes that perhaps I might meet with you also in the Executive Committee meeting that you referred to earlier. But I would like to, nevertheless, make this major issue. That two years ago, the General Assembly passed Public Act 819, which had to do with confidentiality in communication between psychiatrists and patients, and, in general, this provides no person shall disclose or transmit any of the foregoing communications or records where the patient is identifiable and so forth, without consent of the patient or his authorized representative. Then there are certain exceptions. One exception is very specifically, the name, address and fees for psychiatric services to a patient may be disclosed to individuals or agencies involved in the collection of fees for such services. And it is under this exception that Central Collections, at the present time, does get the data from us. We have been informed

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that at the present time Central Collections has not had any difficulty but they introduced 5299, anticipating that in some time in the future there might be a different superintendent of some hospital or something else and there would be difficulties there. But, the point that I want to make is, number one, there is not experience that they are able to document, that justifies change in basic confidentiality statute and I call your attention to the first sentence, first phrase of 5299, which says - notwithstanding any other provisions of law - and that would specifically exclude this confidentiality statute. Now, the confidentiality statute, we've only had about a year and a half experience with. It went into effect in October of 69 and we've been working with this. Our first reaction to the confidentiality statute was that it tied up things very tight indeed. There are provisions in here about not transmitting any information to another agency. In psychiatry in our clinics in the past, it used to be very common practice, when we had a patient who was a patient say of a clinic or a hospital and also there was concern with this patient in a Welfare Department or in the school system or something else of that sort, then we would go ahead and talk with the school people, or the Welfare people, about that patient. The confidentiality statute specifically prohibits that kind of action. As professionals, our first reaction was that this was unfortunate. It tied up our hands. But, on second thought, what we have found is that it does not tie our hands, but it encourages a great deal more respect for the individual patient. And what many of us having been dealing more and more, is engaging the patient themselves, or in the case of children, and I'm a child Psychiatrist, engaging the child's family, in conference that we might have with school people, with Welfare people and so forth. What it does then, is to involve the patient or their families, in all actions that are concerned with themselves. Now, what I believe is that the Central Collections Division is reluctant to take the kinds of steps in regard to a patient that we have done as a result of the confidentiality statute. To illustrate this, I have here, a copy of a form letter that was received by the parent of a patient that we sent down to Norwich Hospital just recently. This is a form letter. This is a copy of it and I will leave this with you, if you would like to see it. I have crossed out the name of the family and the patient, obviously for confidential reasons. This came to the parent of a fourteen year old boy who was admitted down Norwich Hospital on March 22nd. And we recognize the purpose behind this. Central Collections has an obligation and it's an obligation to the State and to the taxpayers of the State to collect fees for patients in the hospital. However, what I am concerned about, is the sentence here - we would like to point out that liable relatives are required to submit proof of income. This may be wage slips covering earnings for the last 13 weeks or a signed statement from the employer or a certified copy of the most recent Income Tax Return is acceptable. Now, it is my belief professionally, that to demand from many of these wage earners that they bring in their earning slips for the last 13 weeks, is somewhat excessive, that a signed statement from the employer is something that bothers a lot of these people and, as a matter of fact,

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Attached to this is this other form that has a place for the employer to sign, week ending, hourly rate, gross earnings, tax income withheld, all the rest of this sort of thing, and the father who received this, came to me and said, I don't want my employer to know that my son is a patient at Norwich. He has given the information to the Welfare Department of what his weekly to Central Collections, Finance and Control, of what his weekly earnings are. And they're not very great, they come to about \$116 a week and he is anxious to pay whatever share he might have. But he has been given this. I have suggested to him, and I think that in this case, it will be worked out, that he ask the representative of Central Collections at Norwich, whether it's not possible just to accept his statement of what his weekly earnings are, or perhaps the last week's wage slip, brought in, rather than to try to come up with all 13 wage slips. And I see this as a move to try to get Central Collections thinking about the responsibility of patients and their participation and the patient's family participation, support of patients, rather than reverting to the old system that I talked about a while ago, where, professionally, we did this all the time. We went around, behind these patient's backs and we knew what was best for them, we did what was best for them and so forth. What I would like to urge is that rather than try to work out some sort of compromise on this Bill, that is acceptable simply to the fiscal authorities, that you just put aside this Bill. Let us have a year. There are now annual sessions of the General Assembly. Let us find whether Central Collections is really having difficulties, what the difficulties are and then on the basis of some real experience, then come in to find out what changes actually have to be made on the basis of unfortunate experiences. Incidentally, there have been already, a couple of changes made in the confidentiality statute on the basis of some experience. There was a Probate Court thing that was just simply not workable the way it was, and I read in the calendar that the Senate acted favorably on that Bill yesterday. And what I'm asking for is let us find out whether there really are difficulties that require change, that it not only fiscal, but it has to do with the professional services to the patients.

Rep. Chagnon: Dr. Marsh, most of here were on that Committee that were effective in having that confidential status enacted and it was just that thing there that was disturbing me that I wanted to sit down and have the Department explain to us what are the difficulties they are having under this situation. This particular case that you cited here, the man could have, very adeptly, kept his slips for a short period or he could have asked his employer to furnish, not directly to the State or anybody else, to whom it may concern, and there are things that it doesn't necessarily need to be to break the confidentiality.

Dr. Marsh: Well, this we recognize. We recognize also that it is important that the State do collect from patients what they can. The point that I'm making, is to respect the willingness of the great

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majority of these families to carry their fair share on this and not assume that they're not going to. We know of instances where Central Collections has, without permission, written directly to employers.

Rep. Chagnon: Well, we may be able to work out something on the affidavit basis, I don't know. This was talked about before in the Welfare situation (inaudible.)

Sen. Ciarlone: I just want to make one comment on the 13 weeks you mentioned, Doctor. I don't think this is a great burden on anyone. I think our present workmen's compensation laws are such that before a Workman's Comp. claim is made, your, the Workmen's Comp. Department has to know what your wages were for the past 13 weeks. And I think what John said is true. I think if this information were given not so the employer does not necessarily know to whom this information is given. I don't think there is any great problem. We'll certainly give it all our consideration. Because the intent certainly was to protect his confidentiality.

Dr. Marsh: I would like to, at the request of the Commissioner, make one comment concerning House Bill 5263. this is the one that Mr. Halstedt talked on at some length. The Department is collecting information that will give us a better picture than we presently have about the effect on patients and their families on such a substantial change in the way fees are determined on the variety of programs that would be included in the schedule. The Department would like to submit a Memo to the Committee on its findings of the affect, the possible affect, of this Bill and perhaps Mr. Boyle can bring that to the Executive Session. If you would like this copy, I'll leave it. And I will, if you like, give you a summary of my remarks.

Mr. Waxman: Mr. Chairman, my name is Jonathan Waxman, I'm attorney for New Haven Legal Assistance and I'm here representing several clients here today, the New Haven Welfare Moms, the Foster Parents for Progress and the Citywide Neighborhood Board of Directors, which is an organization in New Haven comprised of representatives of the inner city neighborhood corporations there. I've come to speak on several Bills. First, I think for the purposes of this Hearing, one of the most important is Senate Bill 148. An Act concerning the payment of fees in Fair Hearing appeals. You've been told by Mr. Aronson what the bill does. I think that whether this Bill is submitted to the Judiciary Committee or not, I think it should come out of this Committee with a favorable report because the problem that is represented by the problem of Welfare appeals is a substantial one. The fee for filing is not that great. I believe it's \$7.00. But, it's something which, within a Welfare budget, is often impossible for a Welfare recipient to raise within the time allotted for the bringing of the appeal. As a result, you're sort of put into a catch 22 situation by the statute itself, which gives you the right to appeal but then, because of the \$7.00 fee, withholds that right from