

Act Number:	09-067	
Bill Number:	893	
Senate Pages:	1608, 1658-1659	3
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**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2009**

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PART 5
1351 - 1666**

md
SENATE

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April 29, 2009

Revenue, and Bonding.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President. Calendar page 31, Calendar 220, Senate Bill 866, I move to refer this item to the Committee on Energy and Technology.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President. Calendar 221, Senate Bill 893, Mr. President, I move to place this item on the Consent Calendar.

THE CHAIR:

Motion is on the floor to place the item on consent. Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President. Calendar 222, marked PR.

Calendar 224, passed temporarily.

Moving to calendar page 32, Calendar 225, PR.

Calendar 227 and 228, both PR.

Calendar 243, House Bill Number 6501, Mr.

President, I move to refer this item to the Committee

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SENATE

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Senate Bill 876.

Calendar page 25, Calendar 534, House Bill 6599.

Calendar page 26, Calendar Number 86, Substitute
for Senate Bill 458.

Calendar page 29, Calendar 166, Substitute for
Senate Bill 825.

Calendar page 31, Calendar 221, Substitute for
Senate Bill 893.

Calendar page 34, Calendar Number 320, Senate
Bill Number 256.

Calendar page 35, Calendar 370, Substitute for
Senate Bill 922.

Mr. President, I believe that completes those items previously placed on the Consent Calendar.

THE CHAIR:

(Inaudible) roll call vote, sir. The machine will be opened.

THE CLERK:

The Senate is now voting by roll call on the Consent Calendar, will all Senators please return to the chamber. The Senate is now voting by roll on the
Consent Calendar, will all Senators please return to the chamber.

THE CHAIR:

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SENATE

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Have all Senators voted?

If all Senators have voted, please check the machine. The machine will be locked, the Clerk will call the tally.

THE CLERK:

Motion is on adoption of Consent Calendar Number 1. Total number voting, 36; those voting yea, 36; those voting nay, 0; those absent/not voting, 0.

THE CHAIR:

Consent Calendar Number 1 passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, I would move that all items referred to various committees from the chamber today be transmitted to those committees immediately.

THE CHAIR:

Without objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, also, would announce that we will be convening tomorrow about -- at 11:30 a.m., it's our intention to pick up with bills that had previously been marked "go" today. So I would move that all items previously marked go

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

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377
May 14, 2009

vote has been properly cast. The machine will be locked and the Clerk will take a tally, please.

And will the Clerk please announce the tally.

THE CLERK:

Senate Bill Number	358
Total Number Voting	139
Necessary for Passage	70
Those voting Yea	139
Those voting Nay	0
Those absent and not voting	12

In concurrence with the Senate.

DEPUTY SPEAKER ORANGE:

The bill passes.

Will the Clerk please call Calendar Number 579.

THE CLERK:

On Page 22, Calendar Number 579, Substitute for Senate Bill Number 893 AN ACT CONCERNING NOTIFICATION TO THE OFFICE OF PROTECTION AND ADVOCACY FOR PERSONS WITH DISABILITIES OF DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES CLIENT DEATHS. Favorable Report of the Committee on Public Health.

DEPUTY SPEAKER ALTOBELLO:

Representative Thompson, you have the floor, sir.

REP. THOMPSON (13th):

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Madam Speaker, I move acceptance of the Joint Committee's Favorable Report and passage of the bill.

May I comment?

DEPUTY SPEAKER ORANGE:

The question is acceptance of the Joint Committee's Favorable Report and passage of the bill. Representative Thompson, you have the floor, sir.

REP. THOMPSON (13th):

Thank you, Madam Speaker. The reason for the bill is to require the Commissioner of the Department of Mental Health and Addiction Services to report within 30 days to the Office of Protection and Advocacy of the persons with disabilities, the deaths of individuals with psychiatric disabilities who were receiving inpatient care from DMHAS. The Office of Protection and Advocacy does have the authority to conduct investigations, monitor conditions, review internal investigations and quality assurance data, and an important aspect of this assignment is to involve review and investigation circumstances surrounding client deaths.

The real reason for that is to lead to improved safeguards for others. State statutes already authorize the Office to receive reports resulting, of

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injuries resulting from use of restraint and
seclusion.

Madam Speaker, the bill went through two
Committees, Human Services and Public Health
unanimously. It was requested by the Office of
Protection and Advocacy, agreed to by the Department
of Mental Health, and I urge passage of the bill.

DEPUTY SPEAKER ORANGE:

Thank you, Representative Thompson. Will you
remark further on the bill? Will you remark further?
Representative Gibbons of the 150th, you have the
floor, Ma'am.

REP. GIBBONS (150th):

Thank you, Madam Speaker, good evening. This
bill was, as stated by the good Representative,
Representative Thompson, and I urge passage of the
bill.

Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, Ma'am. Will you care to remark
further on the bill? Will you care to remark further
on the bill? Will you care to remark further on the
bill?

If not, staff and guests to the Well of the

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HOUSE OF REPRESENTATIVES

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House. Members take your seats. The machine will be opened.

THE CLERK:

The House of Representatives is voting by Roll Call. Members to the Chamber.

The House is voting by Roll Call. Members to the Chamber, please.

DEPUTY SPEAKER ORANGE:

Have all the Members voted? Have all the Members voted? Please be sure to check the board to be sure your vote is properly cast and the machine will be locked and the Clerk will please take a tally.

And the Clerk will please announce the tally.

THE CLERK:

Senate Bill Number 893, in concurrence with the Senate.

Total Number Voting	140
Necessary for Passage	71
Those voting Yea	140
Those voting Nay	0
Those absent and not voting	11

DEPUTY SPEAKER ORANGE:

The bill passes.

DEPUTY SPEAKER ALTOBELLO:

**JOINT
STANDING
COMMITTEE
HEARINGS**

**HUMAN
SERVICES
PART 3
667 - 1008**

2009

February 24, 2009

jl/jm HUMAN SERVICES COMMITTEE

9:00 A.M.

SENATOR DOYLE: Okay. James, go next. I'm sorry.
Sorry for that confusion.

JAMES MCGAUGHEY: Good morning, Senator Doyle and members of the Committee. My name is Jim McGaughey, executive director of the Office of Protection and Advocacy for Persons with Disabilities.

I just want to note for the record that this is the second time that the Department of Social Services has been invited to testify with me, but they choose to stay behind. I guess it's safer -- safer for them there, but --

A VOICE: (Inaudible.)

JAMES MCGAUGHEY: Well, maybe so. I don't know -- but, anyway, I have submitted written testimony today on three bills. I don't intend to read it. I just want to quickly go over the main points.

The first bill I wanted to talk about was Raised Bill 893, An Act Concerning Notification of our Office, by the Department of Mental Health and Addiction Services, of deaths of clients in their psychiatric facilities. For those of you who don't know, our -- our agency provides advocacy services and also conducts investigations into mostly civil rights and human rights issues that affect people with disabilities. Because our resources are limited and we cannot be present in all environments where folks with disabilities are residing, we rely on receiving reports. We have a similar -- similar arrangement with DMHAS with respect to serious injuries that result from the use of restraint and seclusion. This bill would

SB 955
HB 5416

require them to notify us of any deaths that occur to people with psychiatric disabilities, who are in in-patient facilities, and it would help us to do our job better so that we can conduct investigations, or at least review the results of internal investigations.

I just wanted to point out that there is some language in the bill as drafted. Line Number 8 suggests that the death of a person with substance abuse -- substance use disorders would also have to be reported to us. DHMAS supports the bill but objects to that particular language. We don't need that language. So I would ask that if the bill goes forward, that you consider removing the language that refers to persons with substance use disorder.

The other -- the other two bills that I wanted to testify on, first is 955, An Act Concerning Authorization of Treatment -- of a Treatment Plan for a Child's Outpatient Psychiatric Counseling Services. This bill directs the Department of Children and Families to not require a child to authorize or sign his or her own treatment plan when a parent or guardian has done so.

I understand that DCF regulations currently require that they obtain the child's signature and that, as the statement of purpose for the bill suggests, sometimes this -- this creates or can fuel an atmosphere of discord between the guardian and the child which may inhibit needed treatment, and no doubt that is true at times. However, it has been our office's experience that effective treatment usually requires taking some level of responsibility for one's own recovery, and that those who successfully provide help must observe a deep respect for the rights and personal autonomy

**JOINT
STANDING
COMMITTEE
HEARINGS**

**HUMAN
SERVICES
PART 4
1009 - 1353**

2009



STATE OF CONNECTICUT

OFFICE OF PROTECTION AND ADVOCACY FOR
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Testimony of the Office of Protection and Advocacy for Persons with Disabilities
before
The Joint Committee on Human Services

Presented by: James D. McGaughey
Executive Director
February 24, 2009

Good morning Senator Doyle, Representative Walker and Members of the Committee. Thank you for the opportunity to comment on a bill that is quite important to our Office, and, even more importantly, thank you for raising it. I am referring to Raised Bill No. 893, An Act Concerning Notification to the Office of Protection and Advocacy for Persons with Disabilities of Department of Mental Health and Addiction Services Client Deaths.

As the title of the bill suggests, this legislation would require the commissioner of DMHAS to report deaths of people who are receiving inpatient psychiatric care to our Office.

As many of you know, our Office was established to safeguard the civil rights of people with disabilities, with a particular emphasis on protecting fundamental human rights. In addition to providing advocacy services, protection and advocacy agencies are authorized to conduct investigations, monitor conditions, review internal investigations and quality assurance data, and to review reports from peer review proceedings. An important aspect of this assignment involves reviewing and investigating the circumstances surrounding client deaths. As sad as this work is, it can yield useful information that directly leads to improved safeguards for others.

However, because our resources are limited, we cannot be constantly present in every environment where people are housed and receive treatment. In order to fulfill our responsibilities to people living in institutional environments – people who often feel isolated and closed off from the world - we need to receive reports about conditions or events that might raise questions about possible abuse, neglect or other rights violations. State statutes already require that we receive notification of serious injuries resulting from use of restraint and seclusion. Creating a similar mechanism to reliably notify us of deaths of DMHAS's inpatient psychiatric clients will better enable us to do our job.

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Based on our discussions with DMHAS, I understand that that agency supports this measure as it applies to persons with psychiatric disabilities receiving inpatient behavioral health care services. However, the language in line 8 suggests that the death of a person with substance use disorders would also have to be reported. DMHAS objects to that language and we do not need it. So, I would respectfully request that it be deleted.

Again, I thank the Committee for raising this important bill, and urge you to act favorably on it.

I also wanted to comment briefly on two other bills on your agenda today:

Raised Bill No. 955, An Act Concerning Authorization of a Treatment Plan for a Child's Outpatient Psychiatric Counseling Services directs the Department of Children and Families to not require a child to authorize or sign his or her treatment plan when a parent or guardian has done so.