



# STATE OF CONNECTICUT Department of Mental Health & Addiction Services



## Legislative Update # 23

June 16, 2015

The Legislature called themselves into Special Session before the clock struck midnight on June 3<sup>rd</sup>. The call of the special session is to vote on matters related to:

- Language to implement the budget changes related to human services and general government
- State bond authorizations and their underlying programs and projects, and (B) school construction
- State Land Conveyance
- Issues related to SB 1109 An Act Concerning Excessive Use of Force.  
<http://www.cga.ct.gov/2015/FC/2015SB-01109-R000758-FC.htm>

In addition, the Governor and others have held press conferences regarding proposed changes in the business taxes that were enacted this session. Some of those changes **may include budget cuts** to meet the decrease in revenues should those business taxes be eliminated. It has been rumored that the Special Session will be held on June 29<sup>th</sup> and 30<sup>th</sup>.

The previous update focused on a few of the bills that passed this session. This update will include additional information on other bills of interest.

### **Bills that Passed**

**SB 303 AN ACT ESTABLISHING A TASK FORCE TO STUDY THE STATE-WIDE RESPONSE TO FAMILY VIOLENCE.** DMHAS is a member of this new task force

**SB 843 AN ACT CONCERNING TRAUMA-INFORMED PRACTICE TRAINING FOR TEACHERS, ADMINISTRATORS AND PUPIL PERSONNEL.** This bill requires the State Board of Education to assist and encourage school boards to also include training on trauma-informed practices for the school setting, so that school employees can more adequately respond to students with mental, emotional, or behavioral health needs.

**SB 856 AN ACT CONCERNING LANGUAGE INTERPRETERS IN HOSPITALS.** This bill requires acute care hospitals to ensure that interpreter services are available to patients whose primary language is spoken by at least 5% of the population residing in the hospital's geographic service area. Current law requires hospitals to do so only to the extent possible.

**HB 6155 AN ACT CONCERNING NOTIFICATION OF MEDICAID WAIVER AND MEDICAID STATE PLAN AMENDMENT PROPOSALS.** By law, whenever the Department of Social Services (DSS) commissioner applies to the federal government to waive certain federal program

requirements, he must first submit the waiver application or proposed amendment to the Human Services and Appropriations committees. He must also do so if he intends to amend the state Medicaid plan to change program requirements that would have required a waiver but for the passage of the federal Affordable Care Act. This bill conforms law to current DSS practice by additionally requiring the commissioner to submit applications for waiver renewals to these committees.

**HB 6737 AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE CONCERNING TRANSITIONAL SERVICES FOR YOUTH AND YOUNG ADULTS WITH AUTISM SPECTRUM DISORDER.**

This bill requires the State Board of Education (SBE), by July 1, 2015, to draft a bill of rights for parents of children receiving special education services to guarantee that the rights of these students and their parents are protected when receiving these and related services.

The bill also requires the Department of Rehabilitative Services (DORS) commissioner, in consultation with the developmental services (DDS), SDE, labor, and mental health and addiction services commissioners or their designees, to develop a proposed definition for “competitive employment” for each agency to use in relation to state matters. By February 1, 2016, the DORS commissioner must report on the proposed definition to the Education, Human Services, Labor, and Public Health committees

**HB 6850 AN ACT CONCERNING PAY EQUITY AND FAIRNESS.** This bill prohibits employers, including the state and municipalities, from taking certain steps to limit their employees' ability to share information about their wages. Under the bill, such sharing consists of employees under the same employer (1) disclosing or discussing the amount of their own wages or other employees' voluntarily disclosed wages or (2) asking about other employees' wages. Specifically, the bill bans employers from (1) prohibiting their employees from such sharing; (2) requiring employees to sign a waiver or document that denies their right to such sharing; and (3) discharging, disciplining, discriminating or retaliating against, or otherwise penalizing employees for such sharing. House Amendment “A” limits an employee's sharing of another employee's wage information to information that (1) is about another of the employer's employees and (2) was voluntarily disclosed by the other employee.

**HB 6946 AN ACT CONCERNING HUSKY PROGRAMS.** This bill makes numerous technical, conforming, and substantive changes to statutes related to the Department of Social Services' (DSS) HUSKY programs. By law, DSS must provide medical assistance in accordance with the state Medicaid plan and the state Children's Health Insurance Plan and federal law.

The bill creates “HUSKY Health” as a term to refer to HUSKY A, HUSKY B, HUSKY C, and HUSKY D and makes a number of conforming changes. The bill:

1. expands the definition of HUSKY A, which provides Medicaid to children, caretaker relatives, and pregnant women, to conform to federal law and agency practice by including postpartum women;
2. makes several changes to HUSKY B, the state children's health insurance program or S-CHIP;
3. defines HUSKY C as Medicaid provided to individuals who are 65 years of age or older or who are blind or have a disability, conforming to agency practice; and

4. defines HUSKY D or Medicaid Coverage for the Lowest Income Populations program as Medicaid provided to non-pregnant low-income adults who are age 18 to 64, conforming to agency practice.

**Bills that Failed \* some of these bills may end up in the budget implementation proposals that will be taken up in the Special Session. We will indicate where we believe that may be a possibility.**

**SB 16 AN ACT CONCERNING BENEFITS PAYABLE FOR ASSESSMENTS TO DETERMINE A DIAGNOSIS OF A MENTAL OR NERVOUS CONDITION AND RELATED CONSULTATIONS.** This bill would expand coverage under certain health insurance policies for the assessment and diagnosis of mental or nervous conditions by prohibiting insurers from limiting the number of visits to assess an insured for such a diagnosis

**SB 18 AN ACT ESTABLISHING A TASK FORCE TO STUDY HOARDING.** DMHAS would have been a member of this task force.

**SB 878 AN ACT REQUIRING COMMUNITY NOTIFICATION OF NEW RESIDENTIAL FACILITIES FOR OFFENDERS.** This bill would require the Department of Correction (DOC) to notify certain municipal officials before placing a community residence for released inmates in the municipality. It could have been amended to include DMHAS residential facilities as well.

**SB 888 AN ACT CONCERNING ADEQUATE AND SAFE HOUSING FOR THE ELDERLY AND YOUNGER PERSONS WITH DISABILITIES** The bill would have required the Department of Housing (DOH) to conduct a study concerning state-assisted housing for elderly tenants. The study would include, but not be limited to: (1) Recommendations concerning the feasibility and means of providing comparable housing to tenants who are displaced due to units being reserved in such housing primarily for either the elderly or younger tenants with disabilities, (2) recommendations for the provision of additional support services needed for both elderly tenants and younger tenants with disabilities, (3) an estimate of any additional state appropriations needed to implement any recommendations pursuant to subdivisions (1) and (2) of this subsection, (4) an assessment of support services available to assist elderly tenants and younger tenants with disabilities and any gaps in such services, and (5) a summary of the number of negative incidents between elderly tenants and younger tenants with disabilities from calendar years 2010 to 2014, inclusive, and the number of evictions related to such incidents. \* This issue may come up during the Special Session

**SB 905 AN ACT REQUIRING THE DEPARTMENT OF PUBLIC HEALTH TO STUDY THE IMPLEMENTATION OF A PROGRAM FOR THE TREATMENT OF VETERANS WITH TRAUMATIC BRAIN INJURIES AND POST-TRAUMATIC STRESS DISORDER.** This bill would have required that Public Health (DPH) conduct an implementation study of a program for certain veterans in consultation with the Department of Veteran's Affairs (DVA). Recommendations would be made concerning (1) the best peer-reviewed and evidence-based protocols and therapies for traumatic brain injury and post-traumatic stress disorder, including resource facilitation, cognitive rehabilitation and hyperbaric therapy; (2) the types of health care providers necessary for implementation of such program; (3) the estimated number of veterans who have traumatic brain injuries or post-traumatic stress disorder; (4) an analysis of available federal and state funding for such program; and (5) an analysis of the costs of traumatic brain injury and post-traumatic stress disorder among veterans and the fiscal impact of implementation of the program.

**SB 952 AN ACT CONCERNING A SECOND CHANCE SOCIETY.** This bill would have:

1. reduced the penalties for current felony drug possession crimes to class A misdemeanors;
2. restricted the scope of the crime of possessing drugs within 1,500 feet of a school or day care center to possession on their grounds, and changes the penalty to a class E felony;
3. reduced the size of the Board of Pardons and Paroles from 20 to between 10 and 15 members, while increasing the number of members who serve full-time from six to 10;
4. removed the bar on board members serving on both parole and pardons panels;
5. allowed the board to consider an inmate for release on parole after an evaluation, but without a hearing, if he or she was convicted of a non-violent crime and the board does not know of any victim of the crime;
6. expanded the board chairman's authority, in consultation with the board's executive director, to adopt regulations on an expedited pardons review process;
7. required the board to develop a pardon eligibility notice explaining the pardons process and requires providing the notice to people when they are sentenced; are released from the Department of Correction (DOC); and complete parole, probation, or conditional discharge. \* This issue may come up during the Special Session

**SB 1015 AN ACT CONCERNING PROGRAMS FOR VETERANS IN THE CRIMINAL JUSTICE SYSTEM.** This bill would require the Department of Mental Health and Addiction Services (DMHAS), within available resources, to develop and administer a jail diversion program for veterans with trauma-related symptoms. The program's purpose is to divert or refer such veterans from the criminal justice system into treatment and recovery services. The program must (1) be modeled after the New London Judicial District's Veterans' Jail Diversion Program and (2) include a DMHAS representative specializing in veterans' jail diversion in each of the state's geographical area court facilities.

**SB 1089AN ACT CONCERNING MENTAL HEALTH SERVICES.** This bill would have:

1. required the social services (DSS), children and families (DCF), and mental health and addiction services (DMHAS) commissioners, in consultation with providers, to establish a program to improve the provision of behavioral health services to Medicaid recipients, improve service coordination, and reduce state costs;
2. established a grant program within DMHAS to provide funding to organizations that provide acute care and emergency behavioral health services;
3. required the DCF and DMHAS commissioners to annually report to the Children's and Public Health committees on the provision of behavioral health services; and

4. required the DMHAS commissioner, in consultation with DCF, DSS, and others, to study the utilization of and need for hospital beds for acute psychiatric care. \* This issue may come up during the Special Session

**SB 1130 AN ACT IMPLEMENTING A TAX ON CONTROLLED SUBSTANCES AND FUNDING REGIONAL OPIOID ABUSE PREVENTION AND TREATMENT PROGRAMS**

This bill would have created a mechanism to fund opioid abuse and prevention programs in the state's five mental health regions. The mechanism (1) imposes a 6.35% tax on the gross receipts of the legal sale of schedule I and II controlled substances and (2) dedicates the revenue the tax generates toward funding these programs. This tax does not exempt anyone from paying the tax imposed on controlled substances and marijuana that are illegally acquired, transported, or imported into Connecticut (CGS § 12-651). The revenue the new tax generates must go into a separate, nonlapsing fund the bill establishes to fund regional opioid abuse and prevention programs. The Department of Mental Health and Addiction Services (DMHAS) must administer the funds, awarding grants to programs that meet the bill's criteria. The DMHAS commissioner must report to the legislature by January 1, 2017 on the grants she awarded in 2016. \* This issue may come up during the Special Session

**HB 5631 AN ACT DESIGNATING APRIL AS ADVANCED DIRECTIVE AWARENESS MONTH.** This bill would require the governor to proclaim the month of April of each year as Advanced Directive Awareness Month. It requires that suitable exercises be held in the State Capitol and elsewhere as the governor designates.

**HB 6483 AN ACT ESTABLISHING A TASK FORCE TO STUDY GROUP HOME DISTRIBUTION.** This bill would have established a task force to study the distribution of group homes throughout the state

**HB 6550 AN ACT CONCERNING MEDICAID PROVIDER AUDITS.** This bill would have made several changes in the Department of Social Services' (DSS) Medicaid provider audit process. Principally, the bill would have :

1. eliminated restrictions on when DSS can make findings of over- or under-payment using extrapolation of audited claims that do not involve clerical errors (extrapolation is a statistical method to project overall results based on a sampling of claims);
2. limited the (a) circumstances in which DSS may make these findings using extrapolation in claims involving clerical errors and (b) value of an assessment calculated through extrapolation use in certain circumstances;
3. prohibited DSS from extrapolating an overpayment or attempting to recover an extrapolated overpayment beyond the payment's original dollar amount if the provider presents credible evidence that a DSS error caused the overpayment;
4. required, instead of permits, DSS to consider a provider's or facility's compliance history when determining whether to subject the provider or facility to an audit;
5. establishes certain procedures DSS must follow if a preliminary finding of overpayment based on extrapolation exceeds \$200,000;

6. prohibited DSS from subjecting a provider or facility to an overpayment or recoupment order, based on an audit that extrapolated a clerical error, that exceeds the amount of the original error until all the administrative appeals available are exhausted; and

7. required DSS to (a) give providers and facilities that are going to be audited written notification of the statistically valid sampling methodology (SVSM) the auditors will use and (b) adopt certain regulations pertaining to audit practices. \* This issue may come up during the Special Session

**HB 6759 AN ACT CONCERNING THE RIGHTS AND RESPONSIBILITIES OF LANDLORDS AND TENANTS REGARDING THE TREATMENT OF BED BUG INFESTATIONS.** This bill would have established a framework for identifying and treating bed bug infestations in residential rental properties, including public housing. It sets separate duties and responsibilities for landlords and tenants, including notice, inspection, and treatment requirements. It also gives landlords and tenants remedies when either party fails to comply with these duties and responsibilities.

**HB 6861 AN ACT CONCERNING MARITAL AND FAMILY THERAPISTS.** This bill would have created an interim licensure category for marital and family therapist (MFT) associates working toward MFT licensure. It (1) establishes educational, testing, and other requirements for licensure and (2) recognizes MFT associate licenses from other jurisdictions under certain conditions.

**HB 6862 AN ACT CONCERNING A STUDY OF THE PALLIATIVE USE OF MARIJUANA FOR CHILDREN.** This bill would have the Commissioner of Public Health, in consultation with the Commissioner of Consumer Protection, study the palliative use of marijuana for children and report back to the legislature.

**HB 6909 AN ACT ESTABLISHING THE CONNECTICUT TRAUMATIC BRAIN INJURY ADVISORY BOARD.** This bill would have established in statute a 25-member Connecticut Traumatic Brain Injury Advisory Board to address the needs of people with traumatic brain injuries (TBI). (In practice, a TBI advisory board already exists informally within the Department of Social Services (DSS)). The board must make recommendations for implementing a statewide plan to address these needs and report annually to the governor and the Human Services and Public Health committees. The bill requires the board to comply with state and federal laws on data protection.

**HB 6976 AN ACT CONCERNING A STUDY OF RECOVERY HIGH SCHOOL PROGRAMS.** This bill would have required the Department of Education and DMHAS to conduct a study of recovery high school programs for students recovering from substance abuse and dependence

**Accessing Information via the Connecticut General Assembly Web Page:**

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