



## Legislative Update #22 May 8, 2008

Well, the 2008 legislative session has ended, and though the behavioral health community was not able to get the budget adjustments that were proposed by the Governor and approved by the Appropriations Committee passed, there were a few pieces of legislation that made it through both chambers before the gavel came down at midnight last night.

This is the first of our end-of-session updates that we will be sending out over the next week. We will need some time to sift through all the House and Senate Journals and my notes to get the information out to folks. There are rumors that the legislature will come back into session to deal with the budget issues that need to be addressed. That information has not yet been confirmed, but we will let you know if and when we get any solid information.

Thanks to all of you who participated in any way in the legislative process this year; you are unsung heroes for hanging in there, and your efforts DO make a difference!

A number of legislators have announced that they will not run for re-election. Many of them have been good friends to the behavioral health community during their tenure at the Capitol and so a thank-you note to those mentioned below is something you might want to consider. The following members of the General Assembly have announced they are not running for re-election (or they are running for a different office). We expect that some additional legislators will make similar announcements over the next month:

### SENATE

Sen. David Cappiello  
Sen. Thomas Herlihy

Sen. William Nickerson  
Sen. Judith Freedman

### HOUSE

Speaker of the House James Amann  
Rep. Michael Christ  
Rep. Christel Truglia  
Rep. Felipe Reinoso  
Rep. Walter Pawelkiewicz  
Rep. Art Feltman  
Rep. Chris Stone

Rep. Ruth Fahrback  
Rep. Julia Wasserman  
Rep. Dolly Powers  
Rep. Michael Caron  
Rep. Leonard Greene  
Rep. Toni Boucher (running for Sen. Freedman's seat)  
Rep. Kevin Witkos (running for Sen. Herlihy's seat)

The following are a few bills that passed in the 2008 Legislative Session. More info on bills will be contained in subsequent updates.

- **S.B. 2, An Act Concerning an Emergency Relief Plan for Connecticut Families for Housing Costs and Enhancements to Supportive Housing**

Summary: This bill authorizes the Department of Mental Health and Addiction Services (DMHAS) to provide an additional 150 “Next Steps” supportive housing units for people with mental illness. Funding for these units comes from mortgages, tax credits, and grants from the Connecticut Housing Finance Authority (CHFA) and the Department of Economic and Community Development (DECD). The bill authorizes the state to provide annual debt service payments on an additional \$35 million in bonds issued by CHFA. It also makes technical changes. Effective Date: Upon passage.

\*Senate Amendment “A” eliminates provisions authorizing financial assistance for sub-prime mortgagors and appropriating funds in FY 08 and 09 for payments in lieu of taxes for tax-abated public and privately owned moderate rental housing. (Public Act 08-1 transfers FY 08 appropriations for the same amounts for these payments.)

- **H.B. 5020, An Act Implementing the Governor’s Budget Recommendations Regarding the Tobacco and Health Trust Fund**

Summary: By law, the Board of Trustees of the Tobacco and Health Trust Fund (THTF) must submit an annual report on its activities and accomplishments to the Joint Standing Committees on Appropriations and Public Health. The bill eliminates a mandate that this report be approved by each of the Board’s seventeen trustees. Commencing with the fiscal year ending June 30, 2009, the bill increases the amount subject to recommended disbursement by the Board by up to one-half of the annual disbursement from the Tobacco Settlement Fund to the THTF from the previous fiscal year, up to \$6 million. Under law, the recommended disbursement is limited to the net earnings from the principal of the Fund. The bill makes a clarifying change, by stating that the net earnings are from the previous fiscal year. Effective Date: July 1, 2008.

- **S.B. 678, An Act Establishing a Community-Based Health and Human Services Strategy Board**

Summary: This bill establishes a four-year, 25-member Health and Human Services Cabinet. It places the cabinet under the Office of Policy and Management (OPM) for administrative purposes. The cabinet is generally responsible for assessing health and human services provision in Connecticut, including funding for non-profit community providers under purchase of service (POS) agreements. By law, OPM pays private health and human service providers that contract with state agencies. By December 31, 2012, the cabinet must recommend to the Governor and the Appropriations and Human Services committees a governance plan, identifying an appropriate coordinating entity to implement a statewide Health and Human Services Plan. The cabinet terminates after it submits its recommendations. For the cabinet’s first two years, the co-chairpersons are the Governor, or her designee, and the Human Services Committee’s Senate Chair, or his designee. For its final two years, they are the Governor, or her designee, and the Appropriations Committee’s House Chair, or her designee. The bill

requires the co-chairpersons to convene the first meeting by September 1, 2008. In addition to the co-chairpersons, the cabinet consists of the following nine public officials, or their designees: the commissioners of the departments of Mental Health and Addiction Services, Developmental Services, Social Services, Public Health, Children and Families, and Correction; the Secretary of the Office of Policy and Management; and the executive directors of the Judicial Branch's Court Support Services Division and the Children's Trust Fund. The Governor and the six top legislative leaders each appoint two of the 14 remaining members. Initial appointments must be made by August 1, 2008. Appointing authorities will fill vacancies. Effective Date: Upon passage.

\*Senate Amendment "A" replaces the original file, which established a Community-Based Health and Human Services Strategy Board to recommend a long-term funding solution for the "provision of grants" to certain community providers.

- **S.B. 204, An Act Concerning Access to Certain Public Records**

Summary: This bill adds direct care employees of the Department of Mental Health and Addiction Services to the list of public employees whose residential addresses are exempt from disclosure by public agencies, other than the Department of Motor Vehicles (DMV), under the Freedom of Information Act (FOIA). Effective Date: Upon passage.

- **S.B. 561, An Act Concerning the Money Follows the Person Project**

Summary: This bill increases (from 700 to 5,000) the number of individuals who can be served under the state's plan for participating in the federal Money Follows the Person (MFP) Demonstration program. MFP is a five-year program that permits states to move individuals out of nursing homes or other institutional settings and into less-restrictive, community-based settings. The bill requires, instead of "allows", the Commissioner of Social Services (DSS) to submit an application to the federal government. DSS has developed a protocol for the demonstration, which needs federal approval before it can be implemented. The bill also requires the DSS Commissioner to develop a plan to establish and administer a similar home- and community-based services (HCBS) project for adults who may not meet the MFP institutionalization requirement. Finally, the bill establishes a separate, non-lapsing General Fund account to hold the enhanced federal matching funds the state receives for MFP. It specifies the uses of funds in the account and requires a report on expenditures from it. Effective Date: July 1, 2008.

\*Senate Amendment "A" adds the new demonstration project; establishes the new account; and requires, instead of "allows", the DSS commissioner to submit the MFP application.

- **S.B. 681, An Act Establishing a Minority Health Advisory Commission**

Summary: This bill establishes a 32-member Commission on Health Equity within the Office of the Health Care Advocate for administrative purposes. It must work to (1) eliminate disparities in health status based on race, ethnicity, and linguistic ability and (2) improve the quality of health for all state residents. The commission may (a) employ necessary staff within available appropriations and in compliance with the State Personnel Act contract and (b) use any funds available from federal, state, or other sources to carry out its purposes. The bill repeals the Advisory Commission on Multicultural Health. That commission's mission is the elimination of disparities in health status among the state's cultural and ethnic communities and the overall improvement of state residents' health. Effective Date: Upon passage.

\*Senate Amendment “A” (1) changes the name of the commission, (2) increases its membership; (3) changes its focus from the health status of multicultural, multilingual, and multiethnic populations to the health status of populations experiencing racial, ethnic, cultural, or linguistic disparities in health status; and (4) expands its duties to include advising and directing agencies with purview over eliminating health disparities; collecting and analyzing data; recommending proposed legislation, regulations, and policies; and receiving testimony pertinent to its mission.

- **S.B. 694, An Act Concerning Erasure of Criminal Records**

Summary: By law, courts, police, and prosecutors must erase the records of any criminal defendant whenever: (1) he/she, by a final judgment, is found not guilty of the charge or the charge is dismissed; (2) any charge in his/her criminal case has been *nolled* and at least 13 months have elapsed since the *nolle*; or (3) he/she received an absolute pardon. However, the requirement does not apply to cases where defendants have multiple charges (counts) in a single information or indictment (charging document). (Note: A “*nolle*” is a formal statement by the prosecuting attorney that he or she will not prosecute a case further.) This bill eliminates the multi-count charging document exception in electronic records or portions of electronic records released to the public. This means, for example, if a defendant is charged in a single charging document with three different crimes and is convicted of one but the other two are *nolled*, courts, police, and prosecutors must erase the two *nolled* charges in electronic, but not paper, records. Electronic records means computer printouts and records that are created, generated, sent, communicated, received, or stored electronically, including faxes, e-mails, telexes, and Internet messaging. Effective Date: October 1, 2009.

\*Senate Amendment “A” delays the bill's effective date by one year and limits the original bill's requirement for erasure of single counts in multi-count charging documents to electronic records.

**Bills that did not make it through the session:**

**S.B. 27, An Act Authorizing Bonds of the State for Capital Improvements and Other Purposes.**

**S.B. 47, An Act Implementing the Governor’s Budget Recommendations Regarding Military Affairs.**

**S.B. 205, An Act Concerning the Implementation of State Contracting Reform**

**S.B. 333, An Act Concerning Comprehensive Ethics Reforms.**

**S.B. 337, An Act Concerning Juvenile Justice.**

**S.B. 340, An Act Establishing an Early Childhood Integrated System of Care.**

**H.B. 5038, An Act Implementing the Recommendations of the Hospital Task Force**

**H.B. 5448, An Act Concerning Tobacco Education Programs for Minors.**

**H.B. 5495, An Act Concerning the Transition of Youth from the Care of the Department of Children and Families to the Department of Mental Health and Addiction Services.**

**H.B. 5617, An Act Making Revisions to the Charter Oak Health Plan.**

**H.B. 5700, An Act Concerning a Change in Affirmative Action Officers' Reporting Requirements and Organization.**