



CAPITOL CONSULTING LLC

Connecticut Psychological Association

2021 Legislative Summary

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The General Assembly adjourned the 2021 regular session at the stroke of midnight on Wednesday, June 9th, its Constitutional deadline. However, they immediately called themselves back into a special session to deal with two major proposals that were left undone at the midnight adjournment. In a special session that convened on June 15th the General Assembly approved a nearly 900-page budget implementation bill and a 300-page bill that will legalize the recreational use of cannabis by adults.

Back on March 12, 2020, with the arrival of Coronavirus, legislative leaders announced the General Assembly would be in recess for two days so they could do a deep cleaning of the Capitol complex. This closure was first extended for days, weeks and then months, until legislative leaders realized COVID-19 would not permit the opening of the Capitol, which eventually led to the adjournment of the 2020 session with only one bill (the bond package) passing into law. Much of 2020 and 2021 was run by Executive Orders with the Governor exercising his executive authority granted to him by legislative leaders to enact over 100 Executive Orders that kept the state running throughout the pandemic.

The General Assembly kicked off the 2021 legislative session on January 6th with Opening Day ceremonies being held outside with masking and social distancing protocols. Prior to the start of session, legislative leaders announced that the State Capitol complex would remain closed to the public throughout the five-month session. Committee meetings, public hearings and sessions would have a new set of rules that would permit meetings to occur via Zoom and be viewed by the public through YouTube or CT Network. For committee votes, legislators could vote from the comfort of their homes, cars, work or



wherever they could find a cellular connection into the Zoom meeting.

For chamber votes, members could vote remotely but from their Capitol offices. All the while, the State Capitol complex remained closed to the public throughout the entire legislative session. At the writing of this summary the Capitol complex has just reopened on a restrictive basis after being closed for the previous 15 months.

As the state came out of the pandemic, approval of a biennial budget was the General Assembly's top priority. Connecticut's fiscal outlook was brighter than most states. Budget analysts estimated a \$950 million surplus for the current fiscal year that ends on June 30th, a budget reserve/Rainy Day Fund of \$4.5 billion, and \$6 billion in federal coronavirus relief funds. This is quite the fiscal turnaround from last November during the height of the pandemic, when the state was projecting an \$880 million budget deficit for the current fiscal year.

In the closing days of the 2021 session the General Assembly approved a two -year, \$46.4 billion state budget with bipartisan support (Senate 31 to 4; House 116 to 31). The budget avoids tax increases, provides some assistance to municipalities, social services programs, and provides some tax relief. The budget leaves intact the more than \$4.5 billion in the Rainy Day Fund and incorporates \$1.75 billion of the federal stimulus money. The Rainy Day Fund has been growing the last two years and has a mandatory cap; any excess revenue is required to go to Connecticut's underfunded pension programs. The Earned Income Tax credit (EITC) was increased to help the working poor and the restaurant industry, which was one of the hardest hit industries, received some tax relief. However, the corporate tax surcharge sunset, scheduled to take place over the next biennium, was pushed out another two years. Funding for municipality Payments in Lieu of Taxes, Education Cost Sharing grants and non-profits were also increased. For the first time in history the biennial budget has a built in surplus of \$2.3 billion, which will serve to cushion the blow when the Federal stimulus money is no longer available.

In addition to the budget, the General Assembly approved some other bills of interest including: a highway use fee on trucks to repair our aging highway infrastructure; following some tragic deaths, pedestrian safety legislation was approved; Connecticut will finally get into the sports wagering business with an agreement to amend the Mashantucket Pequot and Mohegan tribes gaming compacts; the state bottle bill will be amended for the first time in nearly 40 years; and following the death of George Floyd the General Assembly enacted several proposals around equity.

Capitol Consulting tracked and/or lobbied over **300** bills that had either an impact or potential impact on the Connecticut Psychological Association (CPA). Find below a summary of the major legislation of interest.

Overview:

Capitol Consulting worked with CPA on a variety of issues over the Session and during the pandemic. We managed, along with Dr. Marcy Russo and the CPA Legislative Committee Leadership, all bills and Executive Orders concerning the pandemic, including bills that highlighted the need for providing appropriate mental health treatment for: first line health care personnel and other frontline workers, COVID patients, and all patients suffering from the impact of the pandemic.

We tracked or lobbied a myriad of issues that were of concern to CPA and its many different issues and divisions. These generally included (some of the critical issues will be discussed in detail below):

- Telehealth permanency;
- Including Connecticut as a state that joins PsyPACT);
- Adult use of cannabis;
- Suicide prevention efforts and mental health awareness;
- Conditions under which to use electroshock therapy;
- Involuntary commitment;
- Gun control;
- Veteran's services;
- Family court / guardian ad litem changes;
- Peer support services;
- Insurance issues including mental health parity reimbursement, and prompt pay proposals;
- Juvenile Justice, including teen auto theft; and
- Social and emotional learning programs in schools.

Going forward, there will be a Special Session in the fall to handle the expenditure policy of the remaining \$300 million in federal American Rescue Plan Act (ARPA) funds held back for review by the state. There will also be a Special Session in mid-July to review whether to extend the Governor's executive authority over the pandemic through at least September 30, if not through the end of the year. While we do not anticipate any actions dramatically affecting CPA during these sessions, we will be keeping Marcy Russo, the Legislative Committee and CPA Leadership involved and informed as usual.

Legislation of Interest that PASSED in the 2021 Session:

[HB 5596 \(PA 21-9\)](#) - AN ACT CONCERNING TELEHEALTH

This bill modifies requirements for the delivery of telehealth services and insurance coverage of these services until June 30, 2023. Among other things, it:

1. expands the types of health providers authorized to provide telehealth services;

2. allows certain telehealth providers to provide telehealth services using audio-only telephone, which current law prohibits;
3. allows certain telehealth providers to use additional information and communication technologies in accordance with federal requirements (e.g., certain third-party video communication applications, such as Apple Facetime);
4. authorizes the Department of Public Health (DPH) commissioner to temporarily modify, waive, or suspend certain regulatory requirements to reduce the spread of COVID-19 and protect the public health;
5. establishes requirements for telehealth providers seeking payment from uninsured or underinsured patients;
6. requires insurance coverage for telehealth services and prohibits providers reimbursed for services from seeking payment from an insured patient beyond cost sharing; and
7. prohibits (a) insurance policies from excluding coverage for a telehealth platform selected by an in-network provider and (b) carriers from reducing reimbursement to a provider because services are provided through telehealth instead of in-person.

Additionally, the bill permits physicians and advanced practice registered nurses (APRNs) to certify a qualifying patient's use of medical marijuana and provide follow-up care using telehealth if they comply with other statutory certification and recordkeeping requirements. They may do so notwithstanding existing laws, regulations, policies, or procedures on medical marijuana certifications.

Lastly, the bill makes a conforming change to a law requiring telehealth providers who are prescribing practitioners to issue prescriptions electronically.

EFFECTIVE DATE: *Upon Passage*

PUBLIC ACT NUMBER: *PA 21-9*

SIGNED BY GOVERNOR: *May 10, 2021*

[HB 5614 \(SA 21-37\)](#) - AN ACT ESTABLISHING A COMMISSION ON THE DISPARATE IMPACT OF COVID-19

This bill establishes a 22-member Commission on the Disparate Impact of COVID-19 within the legislative department. The commission must, among other things, analyze and identify the cause of any disparate impact of COVID-19 and the federal and state responses to it on different racial, ethnic, gender, and socioeconomic groups.

The bill establishes qualifications for commission members and requires the commission to hold its first meeting by September 1, 2021. The commission's powers and duties include, among other things, convening at least two working groups and holding any necessary public hearings. The Commission on Women, Children, Seniors, Equity, and

Opportunity's (CWCSEO) administrative staff serve as the commission's administrative staff.

Starting by January 1, 2022, the commission must annually report its findings and legislative and policy recommendations to the commission's appointing authorities and the governor. The commission expires on June 20, 2023, or after a two-thirds vote by its membership, whichever is earlier.

EFFECTIVE DATE: *Upon Passage*

SPECIAL ACT NUMBER: *PA 21-37*

SIGNED BY GOVERNOR: *May 10, 2021*

[SB 2 \(PA 21-46\)](#) - AN ACT CONCERNING SOCIAL EQUITY AND THE HEALTH, SAFETY AND EDUCATION OF CHILDREN

This bill makes various changes to laws affecting children and pupils and related entities, such as the departments of Children and Families (DCF), Education (SDE), Public Health (DPH); the Office of Early Childhood (OEC); and local and regional boards of education. We tracked this bill for the mental health provisions and CPA supported it. Among other things, the bill:

1. requires DCF to develop a policy to provide remote visitation opportunities and provide written notice and a list of legal services providers when removing a child;
2. prohibits OEC from charging for early intervention services, and requires local or regional boards of education to monitor certain children for developmental and social-emotional delays;
3. requires the boards to integrate social-emotional learning into professional training, requires the boards of education to allow up to two excused mental health wellness days per school year, prohibits school boards from shaming a child for unpaid meals, and allows minors to receive more than six outpatient mental health treatment sessions without their parent or guardian's consent; and
4. requires SDE to develop a community resource document for children and families.

The bill also (1) sets up a youth suicide prevention training program in local and district health departments, (2) adds specified mental health training to DPH's continuing education requirements for certain healthcare professionals, and (3) establishes a 25-member task force on children's needs.

EFFECTIVE DATE: *July 1, 2020*

PUBLIC ACT NUMBER: *PA 21-46*

SIGNED BY GOVERNOR: *June 16, 2021*

[SB 1201 \(PA 21-1\)](#) - AN ACT CONCERNING RESPONSIBLE AND EQUITABLE REGULATION OF ADULT-USE CANNABIS

This bill makes numerous changes related to criminal justice, licensing, employment, tax, traffic enforcement, and other laws to establish legal adult recreational use of cannabis (marijuana).

Regarding adult recreational use, the bill allows individuals age 21 or older to possess, use, or otherwise consume cannabis and cannabis products. It generally limits possession to (1) 1.5 ounces of cannabis plant material and five ounces of such material in a locked container in the person's residence or locked vehicle glove box or trunk or (2) equivalent cannabis product amounts or combined amounts. It erases certain cannabis-related criminal convictions, in some cases automatically and in others upon the person's petition.

Dr. Mark Spellman testified on this bill at the public hearing and expressed concerns with the legalization as well as suggestions if the bill were to pass, such as "providing science-based harm reduction messaging and counseling at dispensaries."

EFFECTIVE DATE: *Upon Passage*

PUBLIC ACT NUMBER: *PA 21-1*

SIGNED BY GOVERNOR: *June 22, 2021*

[SB 1091 \(PA 21-78\)](#) - AN ACT CONCERNING THE DEFINITION OF DOMESTIC VIOLENCE, REVISING STATUTES CONCERNING DOMESTIC VIOLENCE, CHILD CUSTODY, FAMILY RELATIONS MATTER FILINGS AND BIGOTRY OR BIAS CRIMES AND CREATING A PROGRAM TO PROVIDE LEGAL COUNSEL TO INDIGENTS IN RESTRAINING ORDER CASES

This bill, also known as "Jennifer's Law", after Jennifer Dulos, was spearheaded by Senator Alex Kasser and makes various changes in the laws relating to domestic violence, civil restraining orders, family violence, assistance programs, and certain crimes. Generally, it:

1. establishes a general definition of domestic violence that includes coercive control as a form of domestic violence;
2. allows victims subject to coercive control by a family or household member to be eligible for civil restraining orders;
3. requires the court to sanction a party that files frivolous and fabricated pleadings or motions;
4. categorizes criminal violation of a protection order or condition of release as a family violence crime in certain circumstances;
5. expands the "best interest of the child" factors in family relations matters to include the child's physical and emotional health;
6. provides eligible domestic violence victims easier access to certain assistance programs;

Capitol Consulting, Dr. Stephanie Leite and Dr. Marcy Russo met with Sen. Kasser and worked with her on the bill. Dr. Leite testified at the public hearing in support of the bill and in support of adding the term "coercive control" to legislation involving domestic

violence, stating “the term ‘coercive control’ is an example of a term that encapsulates those nuances much better than the old-fashioned term ‘domestic violence’.”

EFFECTIVE DATE: *October 1, 2021, except (1) the U Nonimmigrant Status, state assistance programs, secure courtroom, family violence victim advocate, and “family violence crime” definition provisions take effect on July 1, 2021; and (2) the provisions on the general definition of “domestic violence” and the legal assistance grant program take effect upon passage.*

PUBLIC ACT NUMBER: *PA 21-78*

SIGNED BY GOVERNOR: *June 28, 2021*

[SB 1202 \(PA 21-2\)](#) - AN ACT CONCERNING PROVISIONS RELATED TO REVENUE AND OTHER ITEMS TO IMPLEMENT THE STATE BUDGET FOR THE BIENNIUM ENDING JUNE 30, 2023.

This bill the provisions of the state budget for Fiscal Years 2022 and 2023. In its original form, this 837-page “implementer”, contained many sections that were not budget related, and attempted to include proposals that had not passed during the regular session.

This budget implementer was first passed by the Senate and contained an unusual provision in Section 221, which would have granted state agencies the authority to enter into contracts with other states without apparent legislative oversight. The language was unclear as to the breadth and scope of this provision, and could have taken away the legislature’s ability to have input on some important policy issues.

The budget also included, paid for General Fund revenue, a new “Covered Connecticut Program”, which would increase access to health care by several means, including establishing new and expanded programs through a 1332 waiver as well as increasing the FPL to cover more lives under Medicaid, Husky and Access Health CT (the Exchange).

The House removed section 221 and made several additional amendments to the Senate’s version of the bill. The House passed this final version and they then adjourned Sine Die, which forced the Senate to agree with the House’s changes and pass the final version of the bill.

EFFECTIVE DATE: *July 1, 2021 with various dates*

PUBLIC ACT NUMBER: *PA 21-2*

SIGNED BY GOVERNOR: *June 23, 2021*

Legislation of Interest that failed in the 2021 Session:

[HB 6449 \(PA 21-152\)](#) – AN ACT EXPANDING ECONOMIC OPPORTUNITY IN OCCUPATIONS LICENSED BY THE DEPARTMENTS OF PUBLIC HEALTH AND CONSUMER PROTECTION AND

REQUIRING A REPORT FROM CERTAIN EXECUTIVE BRANCH AGENCIES REGARDING BACKGROUND CHECKS AND THE FEASIBILITY OF ESTABLISHING PRECLEARANCE ASSESSMENTS OF CRIMINAL HISTORY

While this bill did become law, there was a section that CPA was trying to add to the bill that did not get included in the final version that became law. CPA was trying to use HB 6449 as a vehicle for the establishment of the Psychology Interjurisdictional Compact (PSYPACT). PSYPACT is an interstate compact that increases access to mental health care and provides for continuity of care for an increasingly mobile society. It is utilized in instances such as if a patient moves or goes to college in another state. It authorizes two limited interjurisdictional privileges. PSYPACT:

- Does allow for Telehealth from providers to patients in separate states.
- Does allow for up to 30 days of In-Person Face-to-Face practice.
- Does not apply to permanent In-Person Face-to-Face practice.

While there was strong bipartisan support for PSYPACT, which included the leadership of the Public Health Committee as well as the Governor's Office, in the last few weeks of the legislative session HB 6449 became an overall compact study bill and there just wasn't enough time to create an entirely separate bill for PSYPACT before the legislature adjourned.

The good news is that Senator Mary Abrams, who is the Senate Chair of the Public Health Committee, assured us that PSYPACT will be high on her agenda next legislative session. Capitol Consulting, along with CPA's legislative committee, will meet with key legislators prior to the 2022 legislative session, to continue our work to make sure Connecticut joins the other 26 states that are a part of PSYPACT.

SB 842 - AN ACT CONCERNING HEALTH INSURANCE AND HEALTH CARE IN CONNECTICUT. ("PUBLIC OPTION")

This bill would have allowed the state Comptroller, who is responsible for the management of the state employee and retiree health plans, to establish a group health insurance and pharmacy plan for multiemployer plans, nonprofit employers, and smaller employers (under 50 lives) that could be merged with the buying power of the state employee health plan. Insurers argued that such a plan would give an unfair advantage to the Comptroller because the state plan did not need to comply with existing state insurance laws and health insurance benefit mandates. The bill also included a rigorous \$50 million assessment annually on insurers to be put into a special fund to be used to reduce health care costs. It also would use the money in the fund for the new "Covered Connecticut Fund". The bill was amended in the Insurance Committee to require that the Comptroller had to meet the same regulatory conditions as a private commercial plan. Capitol Consulting watched this bill for CPA, and while the bill was voted out of the Insurance Committee, the bill did not pass either chamber.

[SB 217](#) - AN ACT CONCERNING MENTAL AND BEHAVIORAL HEALTH PARITY

This bill was a continuation of CPA's work and aimed to: (1) Require health insurance coverage for certain screenings for mental or nervous conditions; (2) expand reporting requirements concerning the all-payer claims database and mental and behavioral health; (3) modify the Consumer Report Card on Health Insurance Carriers in Connecticut; and (4) require health carriers to comply with the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008, P.L. 110-343.

In an attempt to delay this bill, the insurers dumped so much data on the Department of Insurance that it was too hard to assess the relevant pieces. Capitol Consulting and CPA are working with other interested parties to try to streamline this process.