

ENGROSSED HOUSE
BILL NO. 2001

BY: REESE of the HOUSE

and

HARRISON of the SENATE

AN ACT RELATING TO MENTAL HEALTH; AMENDING 43A O.S.
1991, SECTION 3-415, WHICH RELATES TO CERTAIN
CERTIFIED SERVICES FOR THE ALCOHOL- AND DRUG-
DEPENDENT; CLARIFYING LANGUAGE; EXTENDING
CERTIFICATION PERIOD; AUTHORIZING THE BOARD TO
UTILIZE AND CONSIDER CERTAIN MATERIAL, INFORMATION
AND EVIDENCE; MAKING CERTAIN MATERIAL, INFORMATION
AND EVIDENCE NOT PUBLIC RECORDS; PROVIDING FOR
LEGISLATIVE INTENT; ADDING TO DUTIES OF THE
ADVISORY COUNCIL ON TRAUMATIC SPINAL CORD AND
TRAUMATIC BRAIN INJURY; REQUIRING ASSISTANCE;
PROVIDING FOR CODIFICATION; AND DECLARING AN
EMERGENCY.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 43A O.S. 1991, Section 3-415, is
amended to read as follows:

Section 3-415. A. 1. The Alcohol and Drug Abuse Prevention,
Training, Treatment and Rehabilitation Authority shall promulgate
regulations and standards for certification for private facilities
and organizations which provide treatment, counseling,
rehabilitation, and other related services directed toward alcohol-
and drug-dependent persons. These facilities and organizations

shall be known as "Certified Services for the Alcohol and Drug Dependent". Only certified facilities may receive and assist alcohol- and drug-dependent persons by providing treatment, rehabilitation, and other related services to alcohol- and drug-dependent persons.

2. Any person violating the requirement that only certified facilities may receive and assist alcohol- and drug-dependent persons by providing treatment, rehabilitation, and other related services to alcohol- and drug-dependent persons, upon conviction, shall be guilty of a misdemeanor.

B. 1. Applications for certification as a certified service for the alcohol- and drug-dependent person pursuant to the provisions of this section shall be made to the Alcohol and Drug Abuse Prevention, Training, Treatment and Rehabilitation Authority on prescribed forms. 2. In reviewing and determining the merits

of an application for certification, the Board may:

- a. utilize and consider all available materials and information discovered or submitted to the Board, and
- b. review, hear and consider all available evidence regarding issues of safety and effectiveness of the treatment modality utilized by the applicant.

C. The Authority may certify the facility for a period of ~~twelve (12)~~ thirty-six (36) months subject to renewal as provided.

~~B.~~ D. For good cause shown, including but not limited to failure to comply with regulations and standards promulgated by the Authority, pending state or federal investigations, verified complaints concerning matters affecting the proper operation or ownership of the facility the Authority may postpone, deny, or withdraw the certification of the facility.

~~C. Excepted from certification regulations are licensed~~

E. Licensed physicians, licensed psychologists, licensed social workers, individual members of the clergy, and certified alcohol or

drug abuse counselors are exempted from the certification regulations, provided that these exemptions apply only to individual professional persons in their private practice and not to any treatment facility operated by such person. Properly licensed hospitals, programs operated by the State Department of Health or Department of Human Services, programs conducted and facilities operated by Alcoholics Anonymous, the Department of Mental Health and Substance Abuse Services, or the Salvation Army are also exempt from the provisions of the Oklahoma Alcohol and Drug Abuse Services Act.

~~D.~~ F. Certified services for the alcohol- or drug-dependent person shall comply with standards adopted by the Alcohol and Drug Abuse Prevention, Training, Treatment and Rehabilitation Authority. Such standards shall require that treatment and therapeutic methods shall be in compliance with:

1. The Joint Commission on Accreditation of Healthcare Organizations;

2. The Commission on Accreditation of Rehabilitation Facilities; or

3. Approved medical and professional standards as determined by the Mental Health and Substance Abuse Services Board.

G. The Board may require a precertification review of any new applications that appear to use nontraditional methods of treatment. The Board may select an independent, recognized authority in Oklahoma to review such programs to make recommendations to the Board as to the validity of the proposed program.

~~The~~ H. Any facility or organization certified to provide certified services shall cooperate with inspection personnel of the state and shall promptly file all reports required by the Alcohol and Drug Abuse Prevention, Training, Treatment and Rehabilitation Authority.

I. Failure to comply with regulations and standards promulgated by the Authority shall be grounds for revocation of certification and licensing, after proper notice and hearing.

~~E.~~ J. All claims by and accomplishments publicized by any applicant for certification or any certified alcohol- or drug-dependent organization, including but not limited to patient count and success rates, ~~must~~ shall be documented and verifiable by the Board.

~~F.~~ K. The Alcohol and Drug Abuse Prevention, Training, Treatment and Rehabilitation Authority is hereby authorized to collect from each applicant the sum of One Hundred Dollars (\$100.00) annually to help defray the costs incurred in the certification procedure.

L. Any materials or information received by the Board from an applicant regarding the applicants' financial status or including a client's identity shall not be construed to be open records pursuant to the Open Records Act.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 104.1 of Title 43A, unless there is created a duplication in numbering, reads as follows:

A. It is the finding of the Legislature that persons with traumatic head injuries that result in organic brain damage are inappropriately and inadequately served by placement in facilities operated by the Department of Mental Health and Substance Abuse Services. Further, it is the intent of the Legislature that such individuals be referred to and receive services from appropriate public and private entities and agencies so that those persons may be rehabilitated to their highest potential.

B. The Advisory Council on Traumatic Spinal Cord and Traumatic Brain Injury established by House Joint Resolution 1040 of the First Session of the 43rd Oklahoma Legislature, 1991, in addition to the duties and responsibilities established by said Resolution, shall:

1. Identify appropriate placements, other than mental health facilities operated by the Department of Mental Health and Substance Abuse Services, for persons having organic brain damage as the result of a traumatic head injury and who require a residential or treatment placement; and

2. Incorporate said placements into the coordinated rehabilitation system required by HJR 1040 and include recommendations for the implementation of said placements in the annual report of the Council.

C. The Department of Mental Health and Substance Abuse Services shall provide the State Department of Health and the Advisory Council on Traumatic Spinal Cord and Traumatic Brain Injury with information and assistance as necessary to carry out the provisions of this section.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 11th day of March, 1992.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1992.

President of the Senate