

ENGROSSED HOUSE
BILL NO. 2350

BY: LARASON of the HOUSE

and

CAIN of the SENATE

(POOR PERSONS - MENTAL HEALTH EXAMINATIONS -
CODIFICATION -

EFFECTIVE DATE)

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 200c of Title 56, unless there is created a duplication in numbering, reads as follows:

A. Prior to authorizing inpatient or residential mental health or chemical dependency treatment for a person eighteen (18) years or younger who is or may be eligible for assistance through Title XIX of the federal Social Security Act, the Department of Human Services shall require an independent mental health examination of the person to be completed by a qualified mental health professional at a community mental health facility established pursuant to the Unified Community Mental Health Services Act. The Department shall not authorize inpatient or residential mental health or chemical dependency treatment unless, after the mental health examination, such treatment is determined by the qualified mental health professional to be the least restrictive treatment necessary and appropriate for the person.

B. For the purposes of this section, the term "mental health examination" means a face-to-face examination or evaluation of a person under age eighteen (18) by a qualified mental health

professional, as defined by Section 1101 of Title 10 of the Oklahoma Statutes, for the purpose of making a determination or preparing reports or recommendations as to whether or not, in the opinion of the qualified mental health professional, the person requires mental health or chemical dependency treatment or services and, if treatment is recommended, the least restrictive treatment necessary and appropriate.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 200d of Title 56, unless there is created a duplication in numbering, reads as follows:

A. Every contract pursuant to the State Medicaid Plan entered into between the Department of Human Services and facilities that provide inpatient or residential mental health services to persons eighteen (18) years of age or younger who are or may be eligible for assistance through Title XIX of the federal Social Security Act shall incorporate terms and conditions for the care, treatment and services to be provided.

B. Said terms and conditions shall be substantially the same as those included in placement agreements for acute or freestanding, as appropriate for the facility, psychiatric care for children and youth who are in the legal custody of the Department of Human Services and shall include, but not be limited to:

1. Primary care, treatment and counseling services;
2. Educational services;
3. Face-to-face visitation by the attending physician, treatment plans, discharge planning, reports on the progress of the child and other reports as necessary and appropriate;
4. Use of medications;
5. Communicable diseases;
6. Visitation and correspondence;
7. Use of restraints, seclusion, physical force and disciplinary measures; and

8. Inspections and reviews of the care, treatment and services provided.

C. Facilitation of the less restrictive treatment would be greatly enhanced by the Department of Human Services' application for a Medicaid waiver to allow Medicaid reimbursement for outpatient treatment as well as for inpatient treatment.

D. The Department shall immediately initiate procedures for the termination of said contract when:

1. A contracting facility continually violates the terms and conditions required by this section; or

2. The conditions within the facility pose serious harm or a threat of serious harm to patients or residents who are eighteen (18) years of age or under and have been admitted for the purpose of mental health or chemical dependency treatment.

E. The Department shall coordinate with the State Department of Health and any other applicable licensing or certifying agency to ensure that, whenever possible and practicable, annual inspections of hospitals, related institutions and child care facilities required by state or federal law shall be conducted jointly.

SECTION 3. This act shall become effective September 1, 1992.

Passed the House of Representatives the 9th day of March, 1992.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1992.

President of the Senate