

ENROLLED HOUSE
BILL NO. 2388

BY: SETTLE and MONKS of the
HOUSE

and

ROBINSON and WILLIAMS
(Penny) of the SENATE

AN ACT RELATING TO PROGRAMS AND SERVICES FOR VICTIMS OF CERTAIN CRIMES AND DOMESTIC VIOLENCE; AMENDING 21 O.S. 1991, SECTION 142.20, WHICH RELATES TO THE SEXUAL ASSAULT EXAMINATION FUND; CLARIFYING WHO PERFORMS MEDICAL EXAMINATIONS; MODIFYING AND ADDING TO DEFINITIONS; PROVIDING FOR AND ADDING TO CERTAIN CHARGES FOR CERTAIN SERVICES AND CERTAIN MEDICATIONS; AMENDING 43A O.S. 1991, SECTIONS 3-306 AND 3-314.1, WHICH RELATE TO THE BOARD OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES AND DOMESTIC VIOLENCE AND SEXUAL ASSAULT SHELTERS AND PROGRAMS; CLARIFYING LANGUAGE; REQUIRING SUBMISSION OF CLAIMS AND APPROVAL; MODIFYING RESPONSIBILITIES AND AUTHORITY OF THE BOARD OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES; MODIFYING PERIOD OF CERTIFICATION FOR CERTAIN MENTAL HEALTH AND DOMESTIC VIOLENCE PROGRAMS; PROVIDING FOR CERTAIN VISITS FOR CERTAIN PURPOSES; REPEALING SECTION 2 OF ENROLLED HOUSE BILL NO. 2291 OF THE 2ND SESSION OF THE 43RD OKLAHOMA LEGISLATURE, WHICH IS AN EFFECTIVE DATE; DECLARING AN EMERGENCY FOR THE PROVISIONS OF SECTION 1 OF ENROLLED HOUSE BILL NO. 2291 OF THE 2ND SESSION OF THE 43RD OKLAHOMA LEGISLATURE, WHICH RELATES TO STALKING; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY 21 O.S. 1991, Section 142.20, is amended to read as follows:

Section 142.20 A. A Sexual Assault Examination Fund shall be established for the purpose of providing to a victim of a sexual assault a medical examination by a qualified licensed health care professional for the procurement of evidence to aid in the investigation and prosecution of a sexual assault offense and to provide to the victim medications as directed by ~~the medical examiner~~ said health care professional. Pursuant to this subsection, medications provided to the victim by ~~the medical examiner~~ said health care professional shall only be provided to said victim on a one-time ~~initial~~ basis for the immediate trauma and medical examination of ~~said~~ the victim.

B. ~~The words "sexual assault" as~~ As used in this section ~~mean:~~

1. ~~Rape~~ "Sexual assault" means:

a. Rape, or rape by instrumentation, as defined in Sections 1111, 1111.1 and 1114 of this title~~1~~, or

~~2.~~ b. Forcible sodomy, as defined in Section 888 of this title-; and

2. "Qualified licensed health care professional" means a physician, registered nurse, or other licensed health care professional qualified by training and experience, as determined by the Crime Victims Compensation Board, to perform sexual assault examinations.

C. The Crime Victims Compensation Board is authorized to pay for this examination and the medications directed by the ~~medical examiner~~ qualified licensed health care professional upon application submitted by the victim of a sexual assault and approved by the district attorney who has jurisdiction over the prosecution of the sexual assault offense.

D. The Crime Victims Compensation Board shall establish the procedures for disbursement of the Sexual Assault Examination Fund, but in no event shall the Crime Victims Compensation Board pay an amount to exceed:

1. One Hundred Fifty Dollars (\$150.00) for ~~the claim submitted by the victim for~~ a sexual assault examination-; and

2. Twenty-five Dollars (\$25.00) for medications which are related to the sexual assault and directed and deemed necessary by said health care professional.

Such payments shall not exceed the amounts specified by this subsection regardless of the amount of any individual bills comprising the claim. ~~Only one claim may be submitted for each incident~~ Payments shall be made only upon claims submitted by the victim and approved by the district attorney.

SECTION 2. AMENDATORY 43A O.S. 1991, Section 3-306, is amended to read as follows:

Section 3-306. The Board of Mental Health and Substance Abuse Services shall have the following responsibilities and authority:

1. To promulgate and enforce policies and regulations to assure statewide conformance with standards of care and operation and promulgate rules and regulations governing eligibility of public agencies or mental health facilities to contract with the Department of Mental Health and Substance Abuse Services; prescribe standards for qualifications or personnel and quality of professional services; ensure eligibility for community mental health services so that no person will be denied services on the basis of race, color or creed or inability to pay; and promulgate such other rules and regulations as may be necessary to carry out the provisions of the Unified Community Mental Health Services Act, Section 3-301 et seq. of this title;

2. To provide technical assistance to community mental health facilities and boards;

3. To provide clinical, fiscal and management audit of services and facilities;

4. To approve and compile catchment area plans and budget requests into a statewide mental health plan and budget for submission to the Governor, Legislature and federal funding sources as appropriate;

5. To provide funding to each Community Mental Health Board within available funds for the performance of its duties prescribed herein;

6. ~~Certify,~~ To review and evaluate local programs for community mental health services and the performance of administrative and professional personnel in municipalities having Community Mental Health Boards and make recommendations to Community Mental Health Boards; ~~and~~

7. Assist To certify community mental health centers for a period of three (3) years subject to renewal as provided in the rule promulgated by the Board; and

8. To assist mental health facilities in the recruitment of qualified personnel and in conducting in-service training programs.

SECTION 3. AMENDATORY 43A O.S. 1991, Section 3-314.1, is amended to read as follows:

Section 3-314.1 A. The Board of Mental Health and Substance Abuse Services shall adopt and promulgate ~~regulations~~ rules and standards for certification of domestic violence programs and for private facilities and organizations which offer domestic and sexual assault services in this state. These facilities shall be known as "Certified Domestic Violence Shelters" or "Certified Domestic Violence Programs" or "Certified Sexual Assault Programs", as applicable.

B. Applications for certification as a certified domestic violence shelter, domestic violence program or sexual assault program, pursuant to the provisions of this section, shall be made to the Department of Mental Health and Substance Abuse Services on prescribed forms. The Department may certify the shelter or program for a period of ~~twelve (12) months~~ three (3) years subject to renewal as provided in the rules promulgated by the Board. Nothing in this section shall preclude the Department from making inspection visits to a shelter or program to determine contract or program compliance.

C. Excepted from certification regulations are licensed physicians, licensed psychologists, licensed social workers, individual members of the clergy and licensed professional counselors; provided, that these exemptions shall only apply to individual professional persons in their private practice and not to any domestic violence program or sexual assault program operated by such person.

D. Beginning January 1, 1991, any facility providing services for victims or survivors of domestic abuse or sexual assault and any dependent children of such victims or survivors shall comply with standards adopted by the Department; provided, that the certification requirements and standards adopted by the Department shall not apply to programs and services offered by the State Department of Health and the Department of Human Services. The domestic violence or sexual assault programs certified pursuant to the provisions of this section shall cooperate with inspection personnel of the state and shall promptly file all reports required by the Department. Failure to comply with regulations and standards promulgated by the Department shall be grounds for revocation of certification, after proper notice and hearing.

E. The Department 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.

SECTION 4. REPEALER Section 2 of Enrolled House Bill No. 2291 of the 2nd Session of the 43rd Oklahoma Legislature, is hereby repealed.

SECTION 5. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof Section 1 of Enrolled House Bill No. 2291 of the 2nd Session of the 43rd Oklahoma Legislature shall take effect and be in full force from and after the passage and approval of this act.

SECTION 6. 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 29th day of May, 1992.

Speaker of the House of
Representatives

Passed the Senate the 29th day of May, 1992.

President of the Senate