

ENROLLED SENATE  
BILL NO. 978

BY: HENDRICK of the SENATE

and

GREENWOOD, NIEMI, HAMILTON  
(Jeff) and COLEMAN of the  
HOUSE

AN ACT RELATING TO THE MENTAL HEALTH LAW; AMENDING  
43A O.S. 1991, SECTIONS 1-103, 2-202 AND 5-401,  
WHICH RELATE TO DEFINITIONS, POWERS AND DUTIES OF  
THE COMMISSIONER AND INVOLUNTARY COMMITMENT  
PROCEDURE; MODIFYING CERTAIN DEFINITIONS;  
CLARIFYING LANGUAGE; EXPANDING POWERS AND DUTIES OF  
THE COMMISSIONER; MODIFYING CERTAIN PROCEDURE;  
PROVIDING FOR CERTAIN PLACEMENT UNDER CERTAIN  
CONDITIONS; PROVIDING FOR INCLUSION OF CERTAIN  
EDUCATION AND TRAINING IN CERTAIN REQUIRED COURSES;  
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 1-103, is amended to read as follows:

Section 1-103. When used in this title, unless otherwise expressly stated, or unless the context or subject matter otherwise requires:

1. "Department" means the Department of Mental Health and Substance Abuse Services;

2. "Chairman" means chairman of the Board of Mental Health and Substance Abuse Services;

3. "Mentally ill person" means any person afflicted with a substantial disorder of thought, mood, perception, psychological orientation or memory that significantly impairs judgment, behavior, capacity to recognize reality or ability to meet the ordinary demands of life;

4. "Board" means the "Board of Mental Health and Substance Abuse Services" as established by this law;

5. "Commissioner" means the individual selected and appointed by the Board to serve as Commissioner of Mental Health and Substance Abuse Services;

6. "Indigent person" means a person who has not sufficient assets or resources to support himself while mentally ill and to support members of his family lawfully dependent on him for support;

7. "Facility" means any hospital, school, building, house or retreat, authorized by law to have the care, treatment or custody of the mentally ill or drug-dependent or alcohol-dependent persons including, but not limited to, public or private hospitals, community mental health centers, clinics, satellites or institutions; provided that facility shall not mean a child guidance center operated by the State Department of Health;

8. "Patient" means a person under care or treatment in a facility pursuant to this act, Section 1-101 et seq. of this title, or in an outpatient status;

9. "Care and treatment" means medical care, surgical attendance, nursing and medications, as well as food, clothing and maintenance, furnished a patient;

10. Whenever in this law, or in any other law, or in any rule, order or regulation, made or promulgated pursuant to this law, or to any other law, or in the printed forms prepared for the admission of patients or for statistical reports, the words "insane", "insanity", "lunacy", "mentally sick", "mental disease" or "mental disorder", or any of them, are used, they shall have equal significance to the words "mentally ill";

11. Whenever in this law, or in any other law, or in any rule, order or regulation, made or promulgated pursuant to this act, or any other law, or in the printed forms prepared for the admission of patients or for statistical reports, the terms "certification" of a person, a person "certified" or to "certify" a person by a court of competent jurisdiction to a facility as provided by this act shall have equal significance to the terms "commitment" of a person, a person "committed" or to "commit" a person;

12. "Qualified examiner" means any doctor of medicine, clinical psychologist or osteopathic physician who is duly licensed to practice his profession by the State Board of Medical Licensure and Supervision, the State Board of Examiners of Psychologists or the Oklahoma Board of Osteopathic Examiners and who is not related by blood or marriage to the person being examined or has any interest in his estate except as modified under the provisions of this title;

13. "Mentally incompetent person" means any person who has been adjudicated mentally or legally incompetent by an appropriate district court;

14. "Person requiring treatment" means either:

- a. a person who has a demonstrable mental illness or is a drug- or alcohol-dependent person and who as a result of that mental illness or dependency can be expected within the near future to intentionally or unintentionally seriously and physically injure himself or another person and who has engaged in one or more recent overt acts or made significant recent threats that substantially support that expectation, or
- b. a person who has a demonstrable mental illness or is a drug- or alcohol-dependent person and who as a result of that mental illness or dependency is unable to attend to those of his basic physical needs such as food, clothing or shelter that must be attended to in order for him to avoid serious harm in the near future and who has demonstrated such inability by failing to attend to those basic physical needs in the recent past, or
- c. a person who appears to require inpatient treatment:

- (1) (a) for a previously diagnosed history of schizophrenia, bipolar disorder, or major depression with suicidal intent, or
- (b) due to the appearance of symptoms of schizophrenia, bipolar disorder, or major depression with suicidal intent, and
- (2) for whom such treatment is reasonably believed to prevent progressively more debilitating mental impairment.

Person requiring treatment shall not mean a person whose mental processes have simply been weakened or impaired by reason of advanced years, a mentally deficient person as defined in Title 10 of the Oklahoma Statutes, or a person with epilepsy, unless the person also meets the criteria set forth in this paragraph. However, the person may be hospitalized under the voluntary admission provisions of this act if he is deemed clinically suitable and a fit subject for care and treatment by the person in charge of the facility;

15. "Petitioner" means a person who files a petition alleging that an individual is a person requiring treatment;

16. "Person in charge of the facility" means the person in charge of any hospital, school, building, house or retreat, authorized by law to have the care, treatment or custody of the mentally ill including, but not limited to, public or private hospitals, community mental health centers, clinics, satellites or institutions; provided that person in charge of the facility shall not mean persons in charge of child guidance centers operated by the Department of Health;

17. "Private hospital or institution" means any general hospital maintaining a neuro-psychiatric unit or ward, or any private hospital or sanitarium for care and treatment of mentally ill persons, which is not supported by state or federal government, except that the term shall include the Oklahoma Memorial Hospital Neuro-psychiatric Unit. The term shall not include nursing homes or other facilities maintained primarily for the care of aged and infirm persons; and

18. "Individualized treatment plan" means a proposal developed during a patient's stay in a facility, under the provisions of this title, which is specifically tailored to the individual patient's treatment needs. Each plan shall clearly include the following:

- a. a statement of treatment goals or objectives, based upon and related to a clinical evaluation, which can be reasonably achieved within a designated time interval,
- b. treatment methods and procedures to be used to obtain these goals, which methods and procedures are related to each of these goals and which include specific prognosis for achieving each of these goals,
- c. identification of the types of professional personnel who will carry out the treatment procedures, including appropriate medical or other professional involvement by a physician or other health professional properly qualified to fulfill legal requirements mandated under state and federal law,
- d. documentation of patient involvement and, if applicable, the patient's accordance with the treatment plan, and
- e. a statement attesting that the person in charge of the facility or clinical director has made a reasonable effort to meet the plan's individualized treatment goals in the least restrictive environment possible closest to the patient's home community.

SECTION 2. AMENDATORY 43A O.S. 1991, Section 2-202, is amended to read as follows:

Section 2-202. The Commissioner of Mental Health and Substance Abuse Services shall have charge of the administration of the Department of Mental Health and Substance Abuse Services as directed by the Board of Mental Health and Substance Abuse Services and shall be charged with the duty of carrying out the provisions of the Mental Health Law. The Commissioner shall appoint a business administrator for the Department with the approval of the Board and may appoint necessary personnel to carry on the work of the Department of Mental Health and Substance Abuse Services and prescribe their titles and duties and fix their compensation. The Commissioner may prescribe rules and regulations for the operation of the Department. In addition, the Commissioner shall:

1. Counsel with the various superintendents about their institutional needs and budget requests and shall prepare and submit for appropriate legislative action budget requests sufficient to carry on the functions of the Department. These budget requests shall be submitted to the Board of Mental Health and Substance Abuse Services for its recommendations before being submitted for legislative action; and

2. Appoint the superintendents of the institutions within the Department with the consent of the Board of Mental Health and Substance Abuse Services. The Commissioner, with the consent of the Board, may remove a superintendent for cause; and

3. Develop, institute, and administer such administrative and professional policies as may be necessary to guarantee the effective and efficient uniform operation of the Department of Mental Health and Substance Abuse Services and its institutions; and

4. Prescribe uniform reports to be made by the superintendents of the institutions and designate forms to be used; and

5. After conference with the superintendent of each institution, determine the number of employees to be appointed and fix their respective titles, salaries, and wages, which shall be uniform, as far as possible for comparable service; and

6. Aid and assist and cooperate with the State Department of Health, institutions of higher learning, public schools, and others interested in public education of the problems of mental hygiene in the establishment of a sound mental health program in Oklahoma; and

7. Visit each institution in the Department at least four times during each calendar year. During said visits, the Commissioner shall have access to any or all institutional facilities and records and shall have the privilege of interviewing all personnel and patients within the institution. The purpose of such visits shall be:

- a. to review and evaluate the professional and administrative activity of said institutions, and
- b. to ensure compliance with medical and administrative policies and procedures established by the Department, and
- c. to modify and revise existing operating procedure to improve operational effectiveness, and
- d. to institute new policies and procedures to effect improvement and economy of overall operation, and
- e. to coordinate the activity of each institution with the overall operation of the Department.

Following each official visit, the Commissioner shall make a report of his findings and recommendations, and submit such findings and recommendations to the Board of Mental Health and Substance Abuse Services; and

8. Authorize other members of the Department to visit the institutions in the Department. Such persons shall have the same power to inspect the institution and its records and to interview personnel and patients of the Commissioner; and

9. Designate, with consent of the Board, which type of patient shall be cared for at each institution or community mental health center and designate hospital or community mental health center districts for the purpose of determining to which of the institutions within the Department or community mental health centers persons committed from each county shall initially be sent. These designations may be changed from time to time. Patients may be transferred from one institution to another within the Department on the authority of the Commissioner as provided for in the Mental Health Law. Permanent transfer of a patient may be made when it is apparent that the patient's general welfare, care, and treatment can be more effectively provided at another institution, provided the parents or guardian be notified as soon as possible of the transfer. Temporary transfer of a patient may be made in order that a patient may have the advantage of special service not available at the institution of his present residence. Requests for transfer shall be initiated by the superintendent of the institution in which the patient resides. Sufficient supporting information from the patient's records shall be submitted by the superintendent to the Commissioner to warrant a decision as to the advisability of the transfer; and

10. Call meetings of the superintendents of the institutions in the Department, and act as chairman of such meetings, to discuss problems common to all in order to obtain uniformity and bring about coordination of the institutions for the maximum service to the state. Such called meetings may or may not be held jointly with the Board of Mental Health and Substance Abuse Services; and

11. Act as Chairman of a Board of Psychiatric Examiners to review the case of any patient, and to examine any patient when the superintendent of any institution concludes that a patient within his institution is subject to discharge but said superintendent is unwilling to discharge the patient as provided in the Mental Health Law. Such Board shall be composed of the Commissioner and two members selected by the Board of Mental Health and Substance Abuse Services. Said members shall be selected from persons who are qualified examiners according to the Mental Health Law. The Commissioner may designate a third qualified examiner to act in his place as chairman when circumstances warrant and when he deems it necessary; and

12. Keep a list of all nonresidents admitted to the institution within the Department and to make every effort possible to make arrangements with other states so that mentally ill persons who are being cared for at public expense in any institution in this state and who are citizens or residents of such other states may be transferred at the expense of this state to similar institutions in such other states. The Commissioner shall not prevail upon relatives or friends of such mentally ill person or any other person to defray such expenses. Mentally ill persons who are being cared for at public expense in hospitals for mentally ill or institutions of other states, other than persons who have been transferred from penal institutions and the terms of whose sentences to such penal institutions shall not have expired, and who are citizens or residents of this state, may be transferred at the expense of such other states to similar institutions in this state. Removal of a nonresident to his state may be authorized by the Commissioner and all expenses of such transfer shall be taken from the Travel Fund of the institution if the transfer is to be at public expense. Patients returned to this state pursuant to these provisions shall be delivered directly to the hospital designated by the Commissioner and shall be admitted in accordance with these provisions; and

13. Compile and keep a central registration of names and addresses, and names of nearest relatives of all inmates of mental institutions. Said record and the documents from which the same is

compiled shall be confidential and the information contained in such record or documents shall not be disclosed to any person except to the State Commissioner of Health and the Department of Human Services. Upon request, such record or documents shall be available to authorized representatives of the federal government; and

14. Prescribe the official forms of any and all papers not specifically described in the Mental Health Law including those to be used in ordering a person to an institution within the Department, except that when a person is ordered to an institution by a court, the order to hospitalize or admit such person may be on such form as the court deems proper; and

15. Utilize the services of employees of the Department of Central Services, State Department of Health, and Department of Human Services when authorized by the chairman or commissioner thereof. When employees of those agencies are used, the Commissioner of Mental Health and Substance Abuse Services may authorize payment of their traveling expenses as provided by law; and

16. Have power to make contracts and agreements with other departments of this state to carry out these provisions; and

17. Make a written report annually to the Governor concerning the administration of the Department and submit copies thereof to members of the Legislature. Said report shall be presented one (1) month prior to the convening of any regular session of the Legislature and shall include specific information regarding the number of patients admitted, treated, and discharged; the methods of treatment used and an appraisal of the success thereof; the financial condition and needs of each institution in the Department; any long-range plans or recommendations for the utilization and improvement of facilities, equipment, and personnel and for the care and treatment of patients; any recommendations requiring legislative enactments for fulfillment; and major findings, in summarized form, obtained by visits made pursuant to paragraph 7 of this section; and

18. Have power to designate qualified personnel in the Department of Mental Health and Substance Abuse Services job classifications of Fire and Safety Officers, Security Officers, and Correctional Officers as peace officers. The authority of employees so designated shall be limited to maintaining custody of patients in mental health facilities, maintaining security or performing functions similar to those performed by correctional officers or other security personnel for Department of Corrections inmates housed in mental health facilities, preventing attempted escapes, and pursuing and returning court committed patients and Department of Corrections inmates who have escaped from Department of Mental Health and Substance Abuse Services facilities. The powers and duties of such peace officers may be exercised for the purpose of maintaining custody of any patient being transported within the state and outside the State of Oklahoma pursuant to the authority of the Interstate Compact on Mental Health. To become qualified for designation as a peace officer pursuant to this section, an employee shall meet the training and screening requirements of the Department of Corrections pursuant to subparagraphs a through g of paragraph 2 of Section 510 of Title 57 of the Oklahoma Statutes and be of good moral character; and

19. Exercise any other power necessary to implement the provisions of the Mental Health Law.

SECTION 3. AMENDATORY 43A O.S. 1991, Section 5-401, is amended to read as follows:

Section 5-401. A. The father, mother, husband, wife, brother, sister, guardian or child, over the age of eighteen (18) years, of a person alleged to be a person requiring treatment, or the parent, father, mother, guardian or person having custody of a minor child, a physician or person in charge of any facility or correctional

institution, or any peace officer within the county in which the person alleged to be a person requiring treatment resides or may be found or the district attorney in whose district the person requiring treatment resides or may be found, may petition the district court, upon which is hereby conferred jurisdiction, to determine whether the person is a person requiring treatment and to order the least restrictive appropriate treatment for him. The petition shall contain a statement of the facts upon which the allegation is based and, if known, the names and addresses of any witnesses to the alleged facts. The petition shall be verified and made under penalty of perjury.

B. Upon the filing of a petition, the district court shall determine, based upon clear and convincing evidence, whether there is probable cause to detain the person requiring treatment prior to a hearing on the petition. If the court finds that probable cause does exist, an order may be entered authorizing any peace officer to take that person into custody and to detain such person in a suitable facility prior to the hearing on the petition; provided that said period of temporary detention shall not exceed seventy-two (72) hours, excluding days when the district court is not in session. Such detention shall be extended to coincide with any order of continuance entered by the court at the first hearing. A certified copy of the order of continuance shall constitute authority for the facility to continue to detain the subject individual during the period of continuance.

C. Upon receiving the petition, the court shall fix a day for the hearing thereof and shall forthwith appoint an attorney and an examining commission. A copy of the petition and notice as hereinafter described shall be served personally at least one (1) day before the examining commission is scheduled to hold its proceedings, and as many additional days as are requested by the person alleged to be a person requiring treatment or his attorney as are reasonable without prejudice to the person. Any request for additional days shall be subject to the discretion of the court, considering the facts and circumstances of each particular case, including cost. The notice shall contain the following information:

1. The definition provided by the Mental Health Law of a mentally ill person and a person requiring treatment;
2. That the court has appointed an examining commission composed of two (2) qualified examiners to examine the mental condition of the person allegedly requiring treatment and execute a certificate of their findings;
3. The time and place of any examination to be conducted by the examining commission, and the hearing on the petition;
4. That, upon request, the hearing on the petition may be conducted as a jury trial and the jury shall be composed of six (6) persons having the qualifications required of jurors in courts of record;
5. That the petitioner and witnesses identified in the petition may offer testimony under oath at the hearing on the petition;
6. That the court has appointed an attorney for the person alleged to be a person requiring treatment who shall represent him until final disposition of the case;
7. That if the person alleged to be a person requiring treatment is indigent, the court shall pay the attorney's fees;
8. That if the person is found at the hearing or at a jury trial to be mentally ill and a person requiring treatment under this act, that the court will take evidence and make findings of fact concerning the person's competency to consent or to refuse the treatment that is ordered, including, but not limited to, the patient's right to refuse psychotropic medications; and
9. That the person alleged to be a person requiring treatment shall be afforded such other rights as are guaranteed by state and

federal law and that such rights include a trial by jury, if demanded. The notice shall be served upon the person alleged to be a person requiring treatment, his father, mother, husband, wife, guardian or in their absence someone of the next of kin, of legal age, if any such persons are known to be residing within the county, and upon such of said relatives residing outside of the county, as may be ordered by the court, and also upon the person with whom the person alleged to be a person requiring treatment may reside, or at whose house he may be. The person making such service shall make affidavit of the same and file such notice, with proof of service, with the district court. This notice may be served in any part of the state when so ordered by the court.

D. The attorney appointed by the court shall be a licensed and actively practicing attorney who shall represent the person alleged to be a person requiring treatment until final disposition of the case. The court may appoint a public defender where available. The attorney shall meet and consult with the person within one (1) day of notification of his appointment. The attorney shall immediately, upon meeting with the person alleged to be a person requiring treatment, present to such person a statement of his rights, including all rights afforded to him by the Oklahoma and United States Constitutions. The court-appointed attorney shall be replaced by another attorney if:

1. The person alleged to be a person requiring treatment prefers the services of an attorney other than the one initially appointed for him;

2. The preferred attorney agrees to accept the responsibility; and

3. The person alleged to be a person requiring treatment or the attorney whom he prefers notifies the court of the preference and the attorney's acceptance of employment.

The preferred attorney shall meet and consult with the person alleged to be a person requiring treatment within one (1) day of his employment. Any request for additional days shall be subject to the discretion of the court, considering the facts and circumstances of each particular case, including cost.

E. The attorney's fees for all services shall be paid by the person alleged to be a person requiring treatment. However, if the person alleged to be a person requiring treatment, or a person empowered pursuant to law to act on behalf of such person, submits an affidavit that such person is indigent, and unable to pay attorney's fees, the attorney's fees shall be paid from the court fund, after a determination by the court that such person is indigent. The amount of such fee shall be set by the court.

F. The district court shall in each case appoint an examining commission composed of two (2) qualified examiners, one of whom may be a licensed clinical psychologist. The qualified examiners shall make a careful personal examination and inquiry into the mental condition of the person alleged to be a person requiring treatment and execute a certificate of their findings. The examining commission appointed by the court shall have the right to conduct an examination of the mental condition of the person alleged to be a person requiring treatment, either prior to or at the time of the hearing on the petition. Any examination that is conducted prior to the hearing shall be on proper notice to the person and his appointed or selected attorney.

G. The examining commission forms shall be printed or written on eight and one-half inch by eleven inch (8 1/2" x 11") sheets of paper and shall be substantially as follows:

EXAMINER'S CERTIFICATE

We, the undersigned, together and in the presence of each other, have made a personal examination of ....., a person alleged to be a person requiring treatment, and do

hereby certify that we did on the ..... day of  
....., 19.., make a careful personal  
examination of the actual condition of the said person and  
have interrogated ....., the person seeking the  
commitment of ....., and ....., the  
witness(es) identified in the petition, and on such  
examination we find that she/he is/not a person requiring  
treatment. The facts and circumstances on which we base  
our opinions are stated in the following report of symptoms  
and history of case, which is hereby made a part hereof.

We are duly licensed to practice in the State of  
Oklahoma, are not related to ..... by blood  
or marriage, and have no interest in her/his estate.

Witness our hands this ..... day of .....,  
19..

....., M.D., D.O., Ph.D., Other  
....., M.D., D.O., Ph.D., Other

Subscribed and sworn to before me this .....  
day of ....., 19..

.....  
Notary Public

REPORT OF SYMPTOMS AND HISTORY OF  
CASE BY EXAMINERS

1. GENERAL

Complete name .....  
Place of residence .....  
Sex ..... Color .....  
Age .....  
Date of Birth .....  
Place of Birth .....  
Length of residency in Oklahoma .....  
Single, married, widowed, separated, divorced .....  
Number of children living .....  
Number dead .....  
Occupation .....  
Date of last employment .....  
Education .....  
Religion .....  
Name, relationship, address, and telephone number of  
correspondents: .....  
.....  
.....

2. HISTORY OF FAMILY

Name of father .....  
Birthplace .....  
Maiden name of mother .....  
Birthplace .....  
Name of husband (or maiden name of wife) .....  
Birthplace .....  
General characteristics of family .....  
What relatives have had mental or nervous trouble? .....

3. HISTORY OF PATIENT PREVIOUS TO PRESENT ILLNESS

Describe the general health, development, sickness and accidents  
prior to the present disorder .....  
Personality, school record, and social habits .....  
Previous attacks and hospitalization for mental  
health: .....  
Place and date .....

4. HISTORY OF PRESENT ILLNESS

Supposed cause .....  
Date of onset and course .....

Abnormal talk .....  
 Suicidal tendencies .....  
 Abnormal conduct .....  
 History of violence .....  
 Special and unusual symptoms .....  
 Use of alcohol .....  
 Use of narcotics .....  
 Diagnosis, if determined .....  
 Dangerous? Yes ..... No ..... If Yes,  
 explain basis for opinion .....  
 State the least restrictive treatment which is appropriate to  
 condition .....  
 State the least restrictive treatment which is available  
 within the catchment area .....  
 Is the patient competent to refuse treatment that is  
 ordered? .....

5. NAME AND RELATIONSHIPS OF INFORMANTS

Other data .....  
 Dated at ....., Oklahoma, this .....day of  
 ....., 19..  
 ....., M.D., D.O., Ph.D., Other  
 .....  
 Address  
 ....., M.D., D.O., Ph.D., Other  
 .....  
 Address

H. The members of the examining commission making an examination and certifying the condition of the person alleged to be a person requiring treatment shall, regardless of whether or not they find such person mentally ill, be entitled to receive for such services a reasonable sum set by the court, and twenty cents (\$0.20) per mile for travel necessarily performed in going to the place of such examination and such further sum for expenses as the judge of the district court shall allow, said sums to be paid from the local court fund. Any private fees or funds received or recovered in connection with said hearing shall be deposited to the credit of the local court fund.

I. The person alleged to be a person requiring treatment shall have the right to be present at the hearing on the petition or jury trial unless it is made to appear to the court that the presence of the person alleged to be a person requiring treatment makes it impossible to conduct the hearing or trial in a reasonable manner or that his presence would be injurious to his health or well-being. The court may not decide in advance of the hearing, solely on the basis of the certificate of the examining commission, that the person alleged to be a person requiring treatment should not be allowed nor required to appear. It shall be made to appear to the court based upon clear and convincing evidence that alternatives to exclusion were attempted before the court renders his removal for that purpose or determines that his appearance at such hearing would be improper and unsafe.

J. The court, at the hearing on the petition, shall determine by clear and convincing evidence if the person is a person requiring treatment, and the court will take evidence and make findings of fact concerning the person's competency to consent to or refuse the treatment that may be ordered, including, but not limited to, the patient's right to refuse medication. If a jury trial is not demanded, the court may receive as evidence and act upon the affidavits and reports of the examining commission, without further evidence being presented. If the court deems it necessary, or if the person alleged to be a person requiring treatment shall so demand, the court shall schedule the hearing on the petition as a jury trial to be held within seventy-two (72) hours of the demand,

excluding days when the court is not officially in session, or within as much additional time as is requested by the attorney of the person requiring treatment, upon good cause shown.

K. At the hearing on the petition, when it is conducted as a jury trial, the petitioner and any witness in behalf of the petitioner shall be subject to cross-examination by the attorney for the person alleged to be a person requiring treatment. The person alleged to be a person requiring treatment may also be called as a witness and cross-examined. No statement, admission or confession made by the person alleged to be a person requiring treatment may be used for any purpose except for proceedings under this section. No such statement, admission or confession may be used against such person in any criminal action whether pending at the time the hearing is held or filed against such person at any later time directly or in any manner or form.

L. If any person admitted under this section or any other provision of law is not found at the hearing on the petition to be a person requiring treatment after he is admitted to a facility, he shall be discharged immediately.

M. If any person admitted under this section or any other provision of law is found at the hearing on the petition to be a person requiring treatment, such person shall be delivered to the custody of the Department of Mental Health and Substance Abuse Services for a placement that is suitable to the person's needs.

N. The court shall make and keep records of all cases brought before it. No records of proceedings under the Mental Health Law shall be open to public inspection except by order of the court or to employees of the Department of Mental Health and Substance Abuse Services, the person's attorney of record, or persons having a legitimate treatment interest.

O. Bonded abstractors may be deemed to be persons having a legitimate interest for the purpose of having access to records regarding determinations of persons requiring treatment under this section.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3311.5 of Title 70, unless there is created a duplication in numbering, reads as follows:

By September 1, 1992, the Council on Law Enforcement Education and Training, pursuant to its authority granted by Sections 3311 and 3311.4 of Title 70 of the Oklahoma Statutes, shall include in its required courses of study for law enforcement certification a minimum of four (4) hours of education and training and at least one (1) hour of continuing law enforcement training relating to recognizing and managing a person appearing to require mental health treatment or services.

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 this act shall take effect and be in full force from and after its passage and approval.