

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

SENATE BILL NO. 978

BY: HENDRICK

AS INTRODUCED

AN ACT RELATING TO THE MENTAL HEALTH LAW; AMENDING
43A O.S. 1991, SECTION 1-103, WHICH RELATES TO
DEFINITIONS; MODIFYING CERTAIN DEFINITION;
CLARIFYING LANGUAGE; 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:

~~(a)~~ 1. "Department" means the Department of Mental Health and Substance Abuse Services;

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

~~(c)~~ 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;

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

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

~~(f)~~ 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;

~~(g)~~ 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;

~~(h)~~ 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;

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

~~(j)~~ 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";

~~(k)~~ 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;

~~(1)~~ 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;

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

~~(n)~~ 14. "Person requiring treatment" means either:

~~(1)~~ A

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; †1
or

~~(2)~~ A

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; ~~but, or~~

c. a person whose condition, as evidenced by current or recent behavior, is such that the person is reasonably believed to have a demonstrable mental illness sufficiently serious to require hospitalization.

~~(3)~~ 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;

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

~~(p)~~ 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;

~~(q)~~ 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

~~(x)~~ 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:

~~(1)~~ A

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~~†~~†

~~(2)~~ Treatment

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~~†~~†

~~(3)~~ Identification

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~~†~~†

~~(4)~~ Documentation

d. documentation of patient involvement and, if applicable, the patient's accordance with the treatment plan~~†~~†, and

~~(5)~~ A

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. 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.

43-2-1332

CJ