STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 1576

By: Fallin, Hamilton (Jeff), Gates, Campbell, Larason, Boyd (Laura) and Pope of the House

and

Hendrick, Cole and Williams of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to mental health; creating the Oklahoma Mental Health System Act; citing act; providing for purpose; setting policy; defining terms; requiring certain plan for state mental health system and single point of entry policy; requiring the submission of certain plans to certain entities; specifying time of submission; providing for contents; requiring certain notification to certain agencies; providing for promulgation of rules; creating the Joint Legislative Oversight Committee for the State Mental Health System Plan; providing for duties of the committee; providing for membership; providing for appointment of members; providing for certain support services; providing for codification; providing an effective date; and declaring an emergency.

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 1-211 of Title 43A, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma Mental Health System Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-212 of Title 43A, unless there is created a duplication in numbering, reads as follows:

A. The purpose of the Oklahoma Mental Health System Act shall be to enable the Department of Mental Health and Substance Abuse

Services to establish, maintain and coordinate a comprehensive and effective system of services for persons with mental illness, disease or disorder who may be voluntarily or involuntarily admitted to public mental health facilities and programs within this state.

B. It is the policy of this state to provide access for persons with severe mental illness to appropriate, adequate and humane care which is, to the extent possible while meeting the purposes of rehabilitation and treatment:

1. Within each person's geographic area of residence;

2. Least restrictive of the person's freedom of movement and ability to function normally in society while being appropriate to the individual's capacity, and promoting the person's independence; and

3. Directed toward ensuring movement through all treatment components in a manner that ensures continuity of care.

C. It is further the policy of this state that the requirements of continuity of care and least restrictive environment shall be the same for all clients, whether voluntarily or involuntarily admitted to the state mental health system.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-213 of Title 43A, unless there is created a duplication in numbering, reads as follows:

As used in the Oklahoma Mental Health System Act:

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

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

3. "Community Mental Health Center" means the community mental health centers operated by the Department and private community mental health centers certified by the Department;

4. "Continuity of care" means the process whereby a designated single point of entry facility or program, as such terms are defined in this section, maintains primary responsibility for the treatment planning, services and placement for a client admitted to the state mental health system, whether

voluntarily or involuntarily, until such time as the client is either discharged from the state mental health system or transferred to a receiving facility or program pursuant to rules promulgated by the Board of Mental Health and Substance Abuse Services;

5. "Least restrictive appropriate setting for treatment" means the available treatment setting which provides a client with the greatest opportunity for improvement or cure and which is no more restrictive of the client's physical or social liberties than is necessary for the most effective treatment of the client and for adequate protection for the client against any dangers which the client poses to himself or herself or others;

6. "Initial screening" means services provided by a mental health professional at a single point of entry facility or program for individuals who:

a. are being considered for referral to inpatient programs within the state mental health system, and

b. reside in the area served by the single point of entry facility or program. The purpose of the initial screening shall be to determine whether an individual meets the criteria for voluntary or involuntary admission, and whether appropriate alternatives to institutionalization are available. Initial screening services shall be available to community organizations, agencies, or private practitioners who are involved in making referrals to the state mental health system;

7. "State mental health system" means the hospitals and community mental health centers operated by and community health centers certified by the Department of Mental Health and Substance Abuse Services, and facilities and programs under contract with the Department of Mental Health and Substance Abuse Services to provide services to mentally ill persons in this state;

8. "Single point of entry facility" means a facility which initially receives and admits a client to the state mental health system and which retains primary responsibility for the treatment

planning, services and placement for the client until the client is discharged from the state mental health system or, for the purpose of ensuring continuity of care, as such term is defined in this section, until the client is transferred to a receiving facility or program. A hospital operated by the Department of Mental Health and Substance Abuse Services shall not be designated as a single point of entry facility;

9. "Receiving facility or program" means an inpatient or outpatient treatment facility or program to which the single point of entry facility may refer a client who is voluntarily or involuntarily admitted to the state mental health system for more intensive care and treatment or for a more appropriate level of care and treatment. The receiving facility or program may include programs outside of the state mental health system; and

10. "System service plan" means the service plan developed at the time of admission of a client to the state mental health system. The system service plan shall be separate from the individual or multidisciplinary treatment plan required by or appropriate to a hospital or other specialized treatment program.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-214 of Title 43A, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created until July 1, 1994, the Joint Legislative Oversight Committee for the State Mental Health System Plan.

B. The Oversight Committee shall:

1. Meet with the Commissioner of Mental Health and Substance Abuse Services, Department of Mental Health and Substance Abuse Services personnel, and other public and private agencies as appropriate, at regular intervals as established by the Oversight Committee and whenever otherwise necessary to fulfill the duties of the Oversight Committee;

2. Monitor the development of the state mental health system plan and single point of entry policy required by Section 5 of this act;

3. Hold hearings, as necessary and advisable, regarding any matters included in or affected by the proposed plan and policy;

4. Make recommendations, as necessary and advisable, for changes or modifications of the proposed plan and policy; and

5. Make recommendations to the Senate and the House of Representatives regarding the approval of the plan and policy by the Legislature.

C. The Joint Legislative Oversight Committee for the State Mental Health Service System Plan shall be composed of eight (8) members who shall be legislators and shall serve at the pleasure of the appointing authority.

1. Four members shall be appointed by the President Pro Tempore of the Senate and four members shall be appointed by the Speaker of the House of Representatives. One member designated by the President Pro Tempore and one member designated by the Speaker shall serve as co-chairs of the Oversight Committee.

2. No quorum shall be required for a meeting, but no motion shall have effect until at least three members appointed by each of the appointing authorities are present and cast affirmative votes for such motion.

3. Staff support services required by the Oversight Committee shall be provided by the House of Representatives and the Senate and, as requested by the Oversight Committee, the Department of Mental Health and Substance Abuse Services.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-215 of Title 43A, unless there is created a duplication in numbering, reads as follows:

A. 1. On or before November 1, 1993, recommendations shall be submitted by the Board of Mental Health and Substance Abuse Services to the Joint Legislative Oversight Committee for the State Mental Health System Plan created pursuant to Section 4 of this act.

2. On or before January 1, 1994, the Commissioner of Mental Health and Substance Abuse Services shall prepare and submit a plan for the implementation of the state mental health system and single point of entry policy to the Governor, the President Pro

Tempore of the Senate and the Speaker of the House of Representatives.

B. The single point of entry policy included in the plan shall acknowledge that many persons who have mental illness, and all persons designated as suffering from serious and persistent mental illness, may require both acute and long-term treatment, which may include both inpatient and outpatient treatment and services.

C. The state mental health system plan and single point of entry policy shall be designed to:

1. Facilitate continuity of care for clients and the flow of information among service providers;

2. Provide for the designation of facilities or programs, according to geographic areas within the state, as single point of entry facilities or programs for services under the state mental health system for residents. Such designated single point of entry facility or program shall be responsible for the care and treatment of patients within the designated geographic area;

3. Specify procedures which will ensure accountability for the design, implementation and maintenance of, and any needed modifications to a patient's treatment plan, and which will ensure accountability for oversight of the continuity of care for a patient;

4. Specify procedures which will ensure appropriate and timely information flow regarding each client and which will ensure that the system service plan for the patient accompanies the patient to any hospital or specialized treatment program, to any court hearings, or to any other location in the state mental health system where the client receives services;

5. Prescribe procedures to ensure appropriate involvement of the client and the client's family members in treatment planning, services and placement decisions;

6. Provide written criteria for admission to and exclusion from the state mental health system; and

7. Prescribe procedures to notify the entity making a referral to the state mental health system when an individual is

not deemed appropriate for admission to the state mental health system and, when necessary, to make an appropriate referral.

D. The Department of Mental Health and Substance Abuse Services shall notify local law enforcement agencies and court systems in writing of the designated single point of entry facility located within their districts. Such designated single point of entry facility shall be the initial admission point for a client referred to the state mental health system.

E. Subject to the approval of the plan required by this section by the Legislature, on or before January 1, 1995, the Board of Mental Health and Substance Abuse Services shall promulgate and adopt rules to implement the state mental health system and the single point of entry policy.

SECTION 6. Sections 1 through 4 of this act shall become effective September 1, 1993.

SECTION 7. 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.

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