

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

2ND CONFERENCE COMMITTEE SUBSTITUTE

FOR ENGROSSED

HOUSE BILL NO. 2495

By: Hamilton (Jeff) of the
House

and

Monson of the Senate

2ND CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to mental health; amending 43A O.S. 1991, Sections 7-102 and 7-104, which relate to discharge of certain persons; modifying certain discharge plan and case manager requirements; modifying procedures and process; providing for certain preferences; providing for construction of section; amending 43A O.S. 1991, Section 3-417, which relates to certain treatment facilities; requiring certain facility standard and services; requiring certain records relating to Infants born exposed to alcohol and other harmful substances; requiring certain contents; defining term; providing for promulgation of rules; requiring certain reports; providing for construction of section; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 43A O.S. 1991, Section 7-102, is amended to read as follows:

Section 7-102. A. Any person detained or voluntarily or involuntarily committed for treatment pursuant to the provisions of the Mental Health Law shall be provided with discharge planning and assistance by the facility where detained or treated.

Discharge planning and assistance shall include, but not be limited to, the following:

1. ~~Upon discharge return~~ Return of all personal possessions to the person, upon discharge, except contraband considered illegal; and

2. Transportation assistance; and

3. The assignment of a case manager and the completion of a discharge plan as provided by subsection B of this section.

B. A discharge plan shall be completed for and a case manager shall be assigned to every person to be discharged from a facility operated by the Department of Mental Health and Substance Abuse Services or an agency which provides services pursuant to a contract with the Department.

1. The case manager shall:

- a. be assigned ~~at or~~ prior to the time of discharge and by completion of the discharge plan~~;~~ and
- b. be responsible for maintaining regular periodic contact with the discharged person~~,~~ and with the family of the discharged person~~,~~ or other person interested in ~~his~~ the welfare of the discharged person.

2. Discharge planning and the discharge plan shall include~~,~~ but not be limited to:

- a. housing information and referral, ~~an address a~~ location, approved by the Department, where the patient will reside, provided, the Department shall give preference to discharge to an appropriate verifiable address, and, as necessary, placement assistance pursuant to Section 7-104 of this title~~;~~
- b. planning for outpatient treatment, as appropriate, including but not limited to an initial appointment for outpatient services and a treatment plan. Sufficient medication to enable the person to be discharged to continue the course of medication prescribed for ~~him~~ such person until such appointment shall be provided to ~~him~~ the person being discharged at the time of discharge~~;~~ and
- c. provision of the information in the discharge plan required by this subsection ~~shall be provided~~ to the patient in writing after such information has been fully explained to the person being discharged. The plan shall be signed by the person being discharged

and by the person explaining the plan upon completion of a verbal explanation of such plan and shall be signed in the presence of a family member of the person being discharged, or other person interested in ~~his~~ the welfare of the person being discharged. The original copy of the plan shall become a part of the official discharge papers of the patient and shall be kept in the permanent files of the patient. A copy of the signed discharge plan shall be furnished the person being discharged; ~~and~~.

~~d. the~~ The assigned case manager, or other person designated by the Department, may provide a family member of the person being discharged, or other person interested in ~~his~~ the welfare of the person being discharged, with information related to the discharge plan as necessary, appropriate and in compliance with confidentiality requirements to enable said family member or other person to assist with the implementation of and compliance with the treatment plan.

C. If a determination is made that an order for alternative treatment is necessary, the administrator of the facility in which the person is receiving inpatient treatment shall:

1. File a petition as provided by Section 5-401 or 9-102 of this title requesting said order; or

2. Request the court to modify an existing order for involuntary commitment as provided by Section 5-405 of this title.

SECTION 2. AMENDATORY 43A O.S. 1991, Section 7-104, is amended to read as follows:

Section 7-104. In the case of a patient who ~~is~~ has substantially impaired ~~in his~~ ability to provide ~~adequately for his own~~ adequate self care or custody and who has no home ~~of his own~~ or relatives or friends able and willing to care for ~~him~~ the patient, the superintendent prior to discharge from the facility shall make a reasonable effort to arrange an appropriate placement and necessary services for the patient. When necessary, the superintendent shall refer to other public or voluntary agencies for assistance; provided, nothing in this section or Section 7-102

of this title shall be construed as restricting the right of an adult patient, when such patient has not been found by a court to be incompetent, to determine the placement or residence of such patient upon discharge from a facility.

SECTION 3. AMENDATORY 43A O.S. 1991, Section 3-417, is amended to read as follows:

Section 3-417. A. After being certified by the Alcohol and Drug Abuse Prevention, Training, Treatment and Rehabilitation Authority, any person or private agency, other than a transitional living facility or halfway house as defined by Section 3-403 of this title and persons or private agencies providing only outpatient services, shall apply to the State Commissioner of Health for a license to operate the treatment facility. Applications for such licenses shall be made in accordance with provisions for licensing hospitals and related institutions contained in Sections 1-703 and 1-704 of Title 63 of the Oklahoma Statutes.

B. In addition to the standards for treatment services and rules of operation required by Section 3-416 of this title, the Department of Mental Health and Substance Abuse Services shall establish physical facility standards, fire safety standards and such other health and safety standards for halfway houses and transitional living facilities as necessary.

C. The Department of Mental Health and Substance Abuse Services and the State Department of Health shall ensure that the standards required by Section 3-415 of Title 43A and Section 1-705 of Title 63 of the Oklahoma Statutes include specific physical facility standards providing for facilities that provide substance abuse treatment services to pregnant women and women with children when the children also reside at the facility.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-550.3 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. The Department of Human Services shall establish and maintain an up-to-date Record of Infants Born Exposed to Alcohol and Other Harmful Substances. Such record shall include data

necessary for surveys and scientific research, and other data which is necessary and proper to further the recognition, prevention and treatment of infants born addicted to or prenatally exposed to harmful substances and shall be based upon information collected by the Department as a result of investigations made pursuant to Section 846 of Title 21 of the Oklahoma Statutes. For purposes of this section, "harmful substances" means an intoxicating liquor or a controlled dangerous substance.

B. The Record of Infants Born Exposed to Alcohol and Other Harmful Substances shall include, but not be limited to, the following information:

1. The classification of the birth hospital, whether it is public or private;

2. Results of the toxicology report on an infant and its mother and, if positive, the type of drug or drugs involved;

3. The date of birth, birth weight, gestational age and race of the infant;

4. The county of residence;

5. The date and county of report;

6. Demographic information on the mother including, but not limited to, age, race, education level, marital status, income level, whether prenatal care was received and the type of prenatal care received, whether it was private, public health clinic or hospital clinic;

7. Type of treatment, whether the mother was referred for inpatient or outpatient; and

8. Whether the child was recommended for removal from custody of the parent.

C. Nothing in this section shall be construed to compel any infant or mother reported pursuant to the provisions of this act to submit to any medical examination, treatment or supervision of any kind.

D. The Commission for Human Services shall promulgate rules to carry out the provisions of this section and the Department of Human Services shall adopt agency policy directing employees of the Child Welfare Division within the Department of Human Services

to collect and compile any and all data and information gathered from investigations made pursuant to Section 846 of Title 21 of the Oklahoma Statutes necessary for the purposes of this section.

E. Beginning January 1, 1996, the Department of Human Services shall compile and evaluate information received from the reports required pursuant to this section into a report to be distributed on or before January 1 of each year to the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the Task Force on Perinatal Substance Abuse and such other persons as the Department deems advisable or necessary.

SECTION 5. This act shall become effective September 1, 1994.

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