

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 1576

By: Fallin and Hamilton
(Jeff)

COMMITTEE SUBSTITUTE

An Act relating to mental health; creating the Oklahoma Mental Health System Act; providing for purpose; setting policy; defining terms; requiring certain plans for statewide mental health system and single point of entry; 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 Statewide Mental Health System Plan; providing for duties of the Oversight Committee; providing for membership; providing for appointment; providing for certain support services; providing for codification; and providing an effective date.

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:

A. Sections 1 through 4 of this act shall be known and may be cited as the "Oklahoma Mental Health System Act".

B. The purpose of this Oklahoma Mental Health Systems Act is 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 the state.

C. It is the policy of this state to provide access for persons with severe mental illness 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 assuring movement through all treatment components in a manner that assures continuity of care.

D. It is further the policy of this state to maintain involuntary admission laws to ensure that mental illness, disease or disorder in and of itself is insufficient to involuntarily admit any person into the mental health services system and 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 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:

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 that all clients admitted, whether voluntarily or involuntarily, to the state mental health system are assigned to a designated single point of entry receiving facility that maintains primary responsibility for the treatment planning, services and placement of the client until such time as the client is discharged from the state mental health system, provided that a client may be transferred to another designated facility in accordance with the 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 the person with the highest likelihood of improvement or cure and which is no more restrictive of the person's physical or social liberties than is necessary for the most effective treatment of the person and for adequate protection against any dangers which the person poses to himself or others;

6. "Initial screening" means the initial screening services conducted by a mental health professional that are provided by a single point of entry facility or program for individuals residing in the area served by the receiving facility or program who are being considered for referral to inpatient programs within the state mental health system. The purpose of the initial screening is to determine whether or not the individual meets the criteria for voluntary or involuntary admission and to determine whether or not appropriate alternatives to institutionalization are available. Said 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 the Department, private community mental health centers certified by the Department and facilities and services under contract to the Department for the purpose of providing services to mentally ill persons;

8. "Single point of entry" means that the receiving facility that initially admits a client to the state mental health system maintains primary responsibility for the treatment planning, services and placement of the client until such time as the client is discharged from the state mental health system or transferred to another designated facility for the purpose of ensuring continuity of care. A state hospital operated by the Department shall not be designated a single point of entry facility;

9. "Receiving facility or program" refers to an inpatient or outpatient treatment facility or program to which the single point

of entry facility may refer a client for more intensive or more appropriate level of care and treatment of persons voluntarily or involuntarily admitted to the state mental health system. The receiving facility may include programs outside the mental health system; and

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

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:

A. 1. On or before November 1, 1993, a proposed plan shall be submitted to the Joint Legislative Oversight Committee for the Statewide Mental Health System Plan created by 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 statewide mental health system and single point of entry defined by Section 2 of this act 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 recognize that many persons who have mental illness, and all persons designated as suffering from serious and persistent mental illness, require both acute and long-term treatment which will include both inpatient and outpatient treatment and services.

C. The plan for the statewide mental health system and single point of entry shall be designed to facilitate continuity of care and information flow among service providers and shall:

1. Include the designation of receiving facilities within geographic areas of the state which shall serve as the single point of entry for state mental health system services for residents within that area and be responsible for the overall care and treatment of the patient;

2. Establish procedures to assure accountability for the initiation, maintenance, implementation and necessary modifications to the client's system service plan and for oversight of the patient's continuity of care;

3. Develop procedures to assure appropriate and timely information flow regarding each client and that the system service plan of the patient accompanies the patient to any hospital or specialized treatment program, to any court hearings and elsewhere in the system where the client receives services;

4. Develop procedures to ensure appropriate involvement of the client and the client's family members in treatment planning and placement decisions;

5. Define written admission and exclusion criteria to the state mental health system; and

6. Define procedures to notify the referral source and, when necessary, make an appropriate referral when an individual is not deemed appropriate for admission to the state mental health system.

D. The Department shall notify in writing local law enforcement agencies and court systems of the single point of entry facility within the district they serve. The designated single point of entry facility shall be used for the initial admission of a client 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 adopt and promulgate rules implementing the statewide mental health system and the single point of entry.

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 Statewide 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 statewide mental health system and single point of entry plan required by Section 3 of this act;

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

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

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

C. The Joint Legislative Oversight Committee for the Statewide 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-chairmen of the Oversight Committee.

2. No quorum shall be required for a meeting, but no motion shall have effect unless 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 Senate and the House of Representatives and, as requested by the Oversight Committee, the Department of Mental Health and Substance Abuse Services.

SECTION 5. This act shall become effective September 1, 1993.

