

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

CONFERENCE COMMITTEE SUBSTITUTE

FOR ENGROSSED

SENATE BILL NO. 252

By: Williams (Don) of the  
Senate

and

Begley of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to mental health; amending 22 O.S. 1991, Section 1175.3, which relates to determination of competency procedures, 43A O.S. 1991, Sections 3-101, 3-107 and 3-111, which relate to institutions maintained for residents, alcohol and drug treatment centers and Western State Hospital at Fort Supply, 56 O.S. 1991, Section 205, as amended by Section 7, Chapter 307, O.S.L. 1992 (56 O.S. Supp. 1992, Section 205), which relates to replacement of or reimbursement for certain eyeglasses and contact lenses, 57 O.S. 1991, Section 509.3, which relates to maintenance and management of certain buildings at Western State Hospital at Fort Supply, and 62 O.S. 1991, Sections 161, 165 and 195, as amended by Sections 10, 11 and 13, Chapter 307, O.S.L. 1992 (62 O.S. Supp. 1992, Sections 161, 165 and 195), which relate to revolving funds, educational and eleemosynary institutions and creation of funds; modifying procedures for determining competency; eliminating certain institution from certain list of institutions and facilities; providing for creation and designation of certain facility within the Department of Mental Health and Substance Abuse Services; providing for certain center to serve as a regional inpatient mental health and substance abuse services center; designating counties within the region; authorizing certain transfer of property, records, equipment, supplies and funds, and encumbrances; creating certain petty cash fund; requiring certain entities to enter into cooperative agreements to provide certain services; changing name reference; deleting certain petty cash fund; providing for codification; and declaring an emergency.

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

SECTION 1. AMENDATORY 22 O.S. 1991, Section 1175.3, is amended to read as follows:

Section 1175.3 A. Upon filing of an application for determination of competency, the court shall set a hearing date, which shall be as soon as practicable, but at least one (1) day after service of notice as provided by Section 1175.2 of this title.

B. The court shall hold a hearing on the date provided. At the hearing, the court shall examine the application for determination of competency to determine if it alleges facts sufficient to raise a doubt as to the competency of the person. Any additional evidence tending to create a doubt as to the competency of the person may be presented at this hearing.

C. If the court finds there is no doubt as to the competency of the person, it shall order the criminal proceedings to resume.

D. If the court finds there is a doubt as to the competency of the person, it shall order the person to be examined by doctors or appropriate technicians. The doctors or technicians shall be practitioners in the appropriate branch of medicine relevant to the alleged incompetency of the person. The person ~~may~~ shall be examined on an outpatient ~~or inpatient~~ basis prior to referral for any necessary inpatient evaluation, as ordered by the court. The court may commit the person to the custody of the Department of Mental Health and Substance Abuse Services or any other state agency or private facility for the examination provided by this act. The person shall be required to undergo examination for a period of time sufficient for the doctor or doctors or technicians to reach a conclusion as to competency, and the court shall impose a reasonable time limitation for such period of examination. If the court determines that the person whose competency is in question may be a threat to the safety of himself or others, it shall order the person retained in a secure facility until the completion of the competency hearing provided in Section 1175.4 of this title.

E. The doctor or doctors shall receive instructions that they shall examine the patient to determine:

1. Is this person able to appreciate the nature of the charges against him?

2. Is this person able to consult with his lawyer and rationally assist in the preparation of his defense?

3. If the answer to question 1 or 2 is no, can the person attain competency within a reasonable time if provided with a course of treatment, therapy or training?

4. Is the person a mentally ill person or a person requiring treatment as defined by Section 1-103 of Title 43A of the Oklahoma Statutes?

5. If the person were released without treatment, therapy or training, would he probably pose a significant threat to the life or safety of himself or others?

SECTION 2. AMENDATORY 43A O.S. 1991, Section 3-101, is amended to read as follows:

Section 3-101. The institutions within the Department of Mental Health and Substance Abuse Services, which shall be maintained for residents of the state. ~~The institutions within the Department of Mental Health and Substance Abuse Services,~~ are:

A. Hospitals:

1. Griffin Memorial Hospital, Norman;
2. Eastern State Hospital, Vinita; and
3. ~~Western State Hospital, Fort Supply; and~~
4. Oklahoma Youth Center, Norman.

B. Regional Community Mental Health and Substance Abuse Services Center, Western State Psychiatric Center, Fort Supply.

C. Community Mental Health and Substance Abuse Services Centers:

1. Carl Albert Community Mental Health and Substance Abuse Services Center, McAlester;
2. Jim Taliaferro Community Mental Health and Substance Abuse Services Center, Lawton;
3. Central Oklahoma Community Mental Health and Substance Abuse Services Center, Norman; and
4. Bill Willis Community Mental Health and Substance Abuse Services Center, Tahlequah; ~~and~~
5. ~~Northwest Oklahoma Community Mental Health and Substance Abuse Services Center, Ft. Supply.~~

SECTION 3. AMENDATORY 43A O.S. 1991, Section 3-107, is amended to read as follows:

Section 3-107. A. There are hereby created and designated as facilities within the Department of Mental Health and Substance Abuse Services, the Norman Alcohol and Drug Treatment Center at Norman; ~~the Fort Supply Alcohol and Drug Treatment Center at Fort Supply;~~ and the Vinita Alcohol and Drug Treatment Center at Vinita. Said facilities shall be operated under the supervision and administration of the Commissioner of Mental Health and Substance Abuse Services. It is the intent of the Legislature that the centers in Norman, ~~Fort Supply~~ and Vinita utilize and receive business management, support services and medical ancillary services of the respective state hospital where the center is located.

B. There are hereby created separate petty cash funds for the Alcohol and Drug Treatment Centers at Norman, ~~Fort Supply~~ and Vinita. The Director of State Finance and Commissioner of Mental Health and Substance Abuse Services are authorized to fix the maximum amount of each petty cash fund and the Director of State Finance shall prescribe the rules and procedures for the administration of each petty cash fund.

C. The Department of Mental Health and Substance Abuse Services is authorized to effect the transfer of property, records, equipment, supplies, funds, and encumbrances from Griffin Memorial Hospital to or from the Norman Alcohol and Drug Treatment Center; ~~to effect the transfer of property, records, equipment, supplies, funds, and encumbrances from Western State Hospital to or from the Fort Supply Alcohol and Drug Treatment Center;~~ and to effect the transfer of property, records, equipment, supplies, funds, and encumbrances from Eastern State Hospital to or from the Vinita Alcohol and Drug Treatment Center.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-107a of Title 43A, unless there is created a duplication in numbering, reads as follows:

A. The Western State Psychiatric Center at Fort Supply, Oklahoma, is hereby created and designated a facility within the

Department of Mental Health and Substance Abuse Services. The facility shall be operated under the supervision of the Department and shall consist of those entities formerly known as:

1. Western State Hospital, Fort Supply;
2. Northwest Oklahoma Community Mental Health and Substance Abuse Services Center; and
3. Fort Supply Alcohol and Drug Treatment Center at Fort Supply.

B. Western State Psychiatric Center shall serve as a regional inpatient mental health and substance abuse services center serving counties deemed appropriate by the Commissioner of Mental Health and Substance Abuse Services. Western State Psychiatric Center shall also provide outpatient mental health and substance abuse services to Alfalfa, Beaver, Cimarron, Ellis, Harper, Major, Texas, Woods and Woodward Counties, and any other counties deemed appropriate by the Commissioner.

C. The Department is authorized to effect the transfer of property, records, equipment, supplies and funds, and encumbrances from Western State Hospital, Northwest Oklahoma Community Mental Health and Substance Abuse Services Center, and Fort Supply Alcohol and Drug Treatment Center to the Western State Psychiatric Center.

SECTION 5. AMENDATORY 43A O.S. 1991, Section 3-111, is amended to read as follows:

Section 3-111. A. The provisions of this section shall not become effective until funding to implement this section is authorized by the Legislature.

B. Except as provided in subsection C of this section, the land, and all buildings and equipment attached thereto, at Western State ~~Hospital~~ Psychiatric Center at Fort Supply, Oklahoma, shall be transferred from the Department of Mental Health and Substance Abuse Services to the Department of Corrections. The transfer shall be of surface rights only and all interest in mineral rights shall be retained by the Department of Mental Health and Substance Abuse Services. The transferred land shall be used for a

correctional institution to incarcerate prisoners of minimum security classification.

C. The Department of Mental Health and Substance Abuse Services shall retain the following land, all buildings and equipment attached thereto, which shall comprise Western State Hospital Psychiatric Center:

Beginning at a point 732 ft. North and 33.0 ft. East of the 1/4 section corner common to Sections 8 and 9, T-24-N, R-22-W, thence N89 37 26E, 3877.0 ft., thence S02 07 26W, 318.0 ft., thence N75 55 34W, 115 ft., thence S42 17 05W, 85.0 ft., thence S13 46 36W, 228.0 ft., thence N76 13 24W, 122.0 ft., thence S14 06 36W, 230.0 ft., thence N75 53 24W, 163.0 ft., thence S13 56 36W, 185.0 ft., thence N76 03 24W, 220.0 ft., thence S84 31 16W, 378.0 ft., thence S22 09 00W, 347.0 ft., to the North R/W line of S.H.3, thence N67 51 00W along said R/W line 2601.99 ft. to the P.C. of a curve, thence 142.19 ft. along a curve to the left having a radius of 1959.86 ft., said point being on the East R/W line of the N and S section line, thence N00 16 54W along said R/W line 157.16 ft. to the point of beginning. Said described tract contains 61.70 acres more or less.

D. The Department of Corrections and the Department of Mental Health and Substance Abuse Services shall enter into cooperative agreements to provide to Western State Hospital, at no cost to the Department of Mental Health and Substance Abuse Services, the following services:

1. Security personnel;
2. Utilities;
3. Water;
4. Sewage;
5. Maintenance of grounds;
6. Electrical maintenance and repair;
7. Carpentry;
8. Printing;
9. Caustic storage;
10. Warehouse facilities;
11. Food service;

12. Laundry service;
13. Sewing;
14. Dental services;
15. Switchboard services;
16. Use of motor pool;
17. Cost and statistics; and
18. Supplies, other than pharmaceuticals and laboratory supplies;

~~E. The Department of Mental Health and Substance Abuse Services shall provide to the correctional institution located at Fort Supply, Oklahoma, at no cost to the Department of Corrections, the following services:~~

- ~~1.~~ 19. Inpatient infirmary services;
- ~~2.~~ 20. Pharmacy;
- ~~3.~~ 21. Professional services for treatment alternatives for drinking drivers; and
- ~~4.~~ 22. Professional services for the Youthful Offender Program.

~~F. E.~~ The Department of Mental Health and Substance Abuse Services and the Department of Corrections jointly shall provide fire fighting services for Western State ~~Hospital~~ Psychiatric Center, the correctional institution at Fort Supply, Oklahoma, and the surrounding community.

~~G. F.~~ All official records pertaining to the operation of Western State ~~Hospital~~ Psychiatric Center shall be retained by the Department of Mental Health and Substance Abuse Services. All inventory not needed for the operation of Western State ~~Hospital~~ Psychiatric Center shall be transferred to the Department of Corrections.

SECTION 6. AMENDATORY 56 O.S. 1991, Section 205, as amended by Section 7, Chapter 307, O.S.L. 1992 (56 O.S. Supp. 1992, Section 205), is amended to read as follows:

Section 205. The Department of Human Services is authorized to replace or make reimbursement for the eyeglasses or contact lenses of any employee at the Northern Oklahoma Resource Center of Enid, Southern Oklahoma Resource Center of Pauls Valley, Hisson

Memorial Center, and any other juvenile institution subject to the jurisdiction of the Department of Human Services, if said eyeglasses or contact lenses are damaged by a resident of said schools, center or institutions while the employee is engaged in the performance of his duties. The Department of Mental Health and Substance Abuse Services is authorized to replace or make reimbursement for the eyeglasses or contact lenses of any employee at Central State Hospital, Eastern State Hospital, Western State ~~Hospital~~ Psychiatric Center, the Community Mental Health Centers and Substance Abuse Services and the Phil Smalley Children's Center if said eyeglasses or contact lenses are damaged by a resident of said facilities while the employee is engaged in the performance of his duties. The J.D. McCarty Center is authorized to replace or make reimbursement for the eyeglasses or contact lenses of any employee, if said eyeglasses or contact lenses are damaged by a resident of said facility while the employee is engaged in the performance of his duties. The eyeglasses or contact lenses shall be of comparable kind, quality and cost. The Department of Human Services, the Department of Mental Health and Substance Abuse Services and the J.D. McCarty Center are not authorized to make payment or reimbursement for eye examinations necessary for the replacement of or reimbursement for said eyeglasses or contact lenses.

SECTION 7. AMENDATORY 57 O.S. 1991, Section 509.3, is amended to read as follows:

Section 509.3 If funding is provided by the Legislature for the transfer of a portion of the land and facilities at Western State ~~Hospital~~ Psychiatric Center at Fort Supply, Oklahoma, to the Department of Corrections, the Department of Corrections shall maintain the following buildings at the correctional institution at Fort Supply, Oklahoma, as historical sites:

1. Cottage #14N;
2. Cottage #16;
3. Museum;
4. Cottage #12;
5. Cottage #14S;

6. Maintenance Storage Building #4;
7. Maintenance Storage Building #5;
8. Maintenance Storage Building #6; and
9. The Green House.

Management of these historical buildings shall be the responsibility of the Oklahoma Historical Society.

SECTION 8. AMENDATORY 62 O.S. 1991, Section 161, as amended by Section 10, Chapter 307, O.S.L. 1992 (62 O.S. Supp. 1992, Section 161), is amended to read as follows:

Section 161. There is hereby created a hospital revolving fund for the Medical Department of the State University and also a revolving fund for the University of Oklahoma; also a revolving fund for the Southern Oklahoma Resource Center of Pauls Valley, the Oklahoma School for the Deaf at Sulphur, the Oklahoma School for the Blind at Muskogee, the Oklahoma College of Liberal Arts at Chickasha, Griffin Memorial Hospital at Norman, Western State ~~Hospital~~ Psychiatric Center at Fort Supply, Eastern State Hospital at Vinita, the Northern Oklahoma Resource Center of Enid, located at Enid, Oklahoma, the Whitaker State Children's Home at Pryor, the Taft State Children's Home at Taft, Oklahoma State University at Stillwater, Langston University at Langston, for the Smith Lever Fund for the cooperation of agricultural extension work by the federal government with the state, and for the Morrill Fund to be expended and applied solely for instruction in agriculture and mechanical arts, the English language and the various branches of mathematical, physical and economical science, with special reference to these applications in the industries of life, and for any purpose for which said funds are permitted to be expended by the United States government and for the Hatch and Adams Fund for certain experiments and classes of scientific work as prescribed by the federal government and state and on sales station funds and other funds as hereinafter provided for the purpose of conducting and maintaining the dairy, livestock and farm departments for said institution, the said funds coming from the federal government to be available only for the purpose and in the manner contemplated by the Congress of the United States; a revolving fund for the

Oklahoma Panhandle State University at Goodwell and for the Commissioners of the Land Office; also a revolving fund for each of the following institutions, to wit: the Northeastern State Normal at Tahlequah, the Southeastern State Normal at Durant, the East Central State Normal at Ada, the Northeastern State Normal at Alva, the Southwestern State Normal at Weatherford, and the Central State Normal at Edmond, and the School of Mines and Metallurgy at Wilburton, the University Preparatory School at Tonkawa, the Eastern University Preparatory School at Claremore, the Home for the Aged and Infirm, the Murray Agricultural School at Tishomingo, the Connor Agricultural School at Warner, the Cameron Agricultural School at Lawton, the West Oklahoma Orphan Home at Helena, each of said revolving funds shall be available for the purposes indicated and as now and hereafter authorized by law.

SECTION 9. AMENDATORY 62 O.S. 1991, Section 165, as amended by Section 11, Chapter 307, O.S.L. 1992 (62 O.S. Supp. 1992, Section 165), is amended to read as follows:

Section 165. The revolving funds for the Southern Oklahoma Resource Center of Pauls Valley, the Oklahoma Geological Survey, the Oklahoma School for the Deaf, located at Sulphur, Oklahoma, the Oklahoma School for the Blind, located at Muskogee, Oklahoma, the Oklahoma College of Liberal Arts, located at Chickasha, Oklahoma, Griffin Memorial Hospital, located at Norman, Oklahoma, Western State ~~Hospital~~ Psychiatric Center, located at Fort Supply, Eastern State Hospital, located at Vinita, Oklahoma, the Northern Oklahoma Resource Center of Enid, located at Enid, Oklahoma, the Whitaker State Children's Home, located at Pryor, Oklahoma, and the Taft State Children's Home, located at Taft, Oklahoma, and its auxiliaries, shall consist of all appropriations made for such purpose and as a part thereof and include all earnings or profits in the conduct and management of said institutions and carrying on the things or business by such institutions as may be authorized by law.

SECTION 10. AMENDATORY 62 O.S. 1991, Section 195, as amended by Section 13, Chapter 307, O.S.L. 1992 (62 O.S. Supp. 1992, Section 195), is amended to read as follows:

Section 195. A. 1. There is hereby created a petty cash fund at each of the following institutions: Oklahoma School for the Blind, Muskogee, Oklahoma; Oklahoma School for the Deaf, Sulphur, Oklahoma; Griffin Memorial Hospital, Norman, Oklahoma; Eastern State Hospital, Vinita, Oklahoma; Northern Oklahoma Resource Center of Enid, Enid, Oklahoma; Southern Oklahoma Resource Center of Pauls Valley, Pauls Valley, Oklahoma; Western State ~~Hospital~~ Psychiatric Center, Fort Supply, Oklahoma; Central Oklahoma Juvenile Treatment Center, Tecumseh, Oklahoma; Hisson Memorial Center, Sand Springs, Oklahoma; L.E. Rader Children's Diagnostic and Evaluation Center, Sand Springs, Oklahoma; L.E. Rader Intensive Treatment Center, Sand Springs, Oklahoma; and the Oklahoma Medical Center.

2. The Director of State Finance and the head of the institution involved are hereby authorized and it shall be their duty to fix the maximum amount of the petty cash funds. The Director of State Finance shall prescribe all forms, systems, and procedures for administering the petty cash funds of the institution.

B. 1. There is hereby created a petty cash fund in the legal division of the Department of Human Services which fund shall be used solely to pay court costs, filing fees, witness fees, and expenses related to any case or proceeding within the responsibility of the legal division.

2. There is hereby created a petty cash fund in the Child Support Enforcement Division of the Department of Human Services. The fund shall be used solely to pay litigation expenses, including court costs, filing fees, witness fees, and expenses related to any case or proceeding within the responsibility of the Child Support Enforcement Division.

3. The Director of State Finance, and the Director of the Department of Human Services are hereby authorized and it shall be their duty to fix the maximum amount of the petty cash funds. The

Director of State Finance shall prescribe all forms, systems, and procedures for administering the petty cash funds.

C. 1. There is hereby created a petty cash fund in the finance department of the Oklahoma Corporation Commission which shall be used solely to pay litigation expenses of the legal division, including court costs, filing fees, witness fees, and other expenses related to any case, proceeding, or matter within the responsibility of the legal division.

2. The Director of State Finance and the Corporation Commission are hereby authorized and it shall be their duty to fix the maximum amount of the petty cash fund, not to exceed Five Hundred Dollars (\$500.00). The Director of State Finance shall prescribe all forms, systems, and procedures for administering the petty cash fund.

SECTION 11. 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.

44-1-1191

CJ