

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 2495

By: Hamilton (Jeff) of the
House

and

Monson of the Senate

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; clarifying statutory reference and language; modifying certain requirements; construing sections of law; 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, Section 1-101 et seq. of this title, 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 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, 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 or her 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 his or her own placement or residence upon discharge from a facility.

SECTION 3. This act shall become effective September 1, 1994.

44-2-2346

CJ