

ENROLLED SENATE
BILL NO. 109

By: Cain of the Senate

and

Larason of the House

An Act relating to mental health; amending 43A O.S. 1991, Section 5-206, which relates to emergency detention and protective custody; modifying certain definition; and declaring an emergency.

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

SECTION 1. AMENDATORY 43A O.S. 1991, Section 5-206, is amended to read as follows:

Section 5-206. As used in Sections 4 5-206 through ~~40~~ 5-212 of this ~~act~~ title:

1. "Licensed mental health professional" means:
 - a. a psychiatrist who is a diplomate of the American Board of Psychiatry and Neurology,
 - b. a licensed clinical psychologist,
 - c. a licensed professional counselor as defined in Section 1902 of Title 59 of the Oklahoma Statutes,
 - d. a person licensed as a licensed clinical social worker pursuant to Section 1250 et seq. of Title 59 of the Oklahoma Statutes, or
 - e. a licensed Doctor of Medicine or Doctor of Osteopathy who has received specific training for and is experienced in performing mental health therapeutic, diagnostic, or counseling functions or a qualified examiner as defined in Section 1-103 of this title;
2. "Immediate likelihood of serious harm to self or others" means:
 - a. a substantial risk of physical harm to the person himself as manifested by evidence of threats of, or attempts at, suicide or serious bodily harm, or
 - b. a substantial risk of physical harm to other persons as manifested by evidence of homicidal or other violent behavior, or
 - c. having placed others in a reasonable fear of violent behavior or serious physical harm, to them, or
 - d. a reasonable certainty that without treatment severe impairment or injury will result to the person alleged to be mentally ill as manifested by his inability to avoid or protect himself from such impairment or injury;
3. "Emergency examination" means the examination of a person who appears to be a mentally ill person, an alcohol-dependent person, or drug-dependent person, and whose condition is such that it appears that emergency detention may be warranted, by a licensed mental health professional to determine if emergency detention is warranted;

4. "Emergency detention" means the detention of a person who appears to be mentally ill, alcohol-dependent, or drug-dependent in a facility approved by the Commission as appropriate for such detention after the completion of an emergency examination and a determination by a licensed mental health professional that emergency detention is warranted pending the issuance of a court order authorizing detention beyond a seventy-two-hour period or pending the hearing on a petition requesting involuntary commitment or treatment as provided by this act; and

5. "Protective custody" means the taking into protective custody and detention of a person pursuant to the provisions of Section ~~6~~ 5-208 of this ~~act~~ title until such time as an emergency examination is completed and a determination is made as to whether or not emergency detention is warranted.

SECTION 2. 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.

Passed the Senate the 11th day of May, 1993.

President of the Senate

Passed the House of Representatives the 24th day of May, 1993.

Speaker of the House of Representatives