

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE BILL NO. 1576

By: Fallin and Hamilton (Jeff)

AS INTRODUCED

An Act relating to mental health; creating the Oklahoma Mental Health System Act; providing for purpose; setting policy; defining terms; requiring certain plans for single point of entry and statewide mental health system; providing for contents; providing for promulgation of rules; 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 3 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 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 to assure 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 3-212 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 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 initial screening services conducted by a mental health professional provided by a receiving 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 of the state mental health system 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. Such 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 and private community mental health centers certified by the Department;

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;

9. "Receiving facility or program" refers to an inpatient or outpatient treatment facility or program which is designated within each geographic area of the state by the Commissioner to accept the responsibility for care and treatment of persons voluntarily or involuntarily admitted to the state mental health system and the custody of persons involuntarily admitted to the state mental health system. A hospital operated by the Department shall not be designated as a receiving facility or program; and

10. "System treatment plan" means the treatment 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 2-213 of Title 43A, unless there is created a duplication in numbering, reads as follows:

A. The Commissioner of Mental Health shall prepare a plan for the implementation of the statewide mental health system and single point of entry defined by Section 2 of this act. The single point of entry policy 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. 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. Assign a case manager to each client admitted to the state mental health system, who shall be responsible for the initiation, maintenance, implementation and necessary modifications to the client's system treatment 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 treatment 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; and

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

B. 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. This act shall become effective September 1, 1993.

44-1-5860

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