

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE BILL NO. 1643

By: Hamilton (Jeff)

AS INTRODUCED

An Act relating to mental health; amending 43A O.S. 1991, Section 3-415, as amended by Section 1, Chapter 209, O.S.L. 1992 (43A O.S. Supp. 1992, Section 3-415), which relates to certified facilities; modifying certain certification exceptions; authorizing certain certification exceptions; specifying conditions and requirements; and declaring an emergency.

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

SECTION 1. AMENDATORY 43A O.S. 1991, Section 3-415, as amended by Section 1, Chapter 209, O.S.L. 1992 (43A O.S. Supp. 1992, Section 3-415), is amended to read as follows:

Section 3-415. A. 1. The Alcohol and Drug Abuse Prevention, Training, Treatment and Rehabilitation Authority shall promulgate regulations and standards for certification for private facilities and organizations which provide treatment, counseling, rehabilitation, and other related services directed toward alcohol- and drug-dependent persons. These facilities and organizations shall be known as "Certified Services for the Alcohol and Drug Dependent". Only certified facilities may receive and assist alcohol- and drug-dependent persons by providing treatment,

rehabilitation, and other related services to alcohol- and drug-dependent persons.

2. Any person violating the requirement that only certified facilities may receive and assist alcohol- and drug-dependent persons by providing treatment, rehabilitation, and other related services to alcohol- and drug-dependent persons, upon conviction, shall be guilty of a misdemeanor.

B. 1. Applications for certification as a certified service for the alcohol- and drug-dependent person pursuant to the provisions of this section shall be made to the Alcohol and Drug Abuse Prevention, Training, Treatment and Rehabilitation Authority on prescribed forms.

2. In reviewing and determining the merits of an application for certification, the Authority may:

- a. utilize and consider all available materials and information discovered or submitted to the Authority; provided, the Authority shall notify the applicant of the existence of such materials and information at least seventy-two (72) hours in advance of the hearing, and
- b. review, hear and consider all available evidence regarding issues of safety and effectiveness of the treatment modality utilized by the applicant.

C. The Authority may certify the facility for a period of thirty-six (36) months subject to renewal as provided.

D. For good cause shown, including but not limited to failure to comply with regulations and standards promulgated by the Authority, pending state or federal investigations, or verified complaints concerning matters affecting the proper operation or ownership of the facility, the Authority may postpone, deny or withdraw the certification of the facility.

E. Licensed physicians, licensed psychologists, licensed social workers, individual members of the clergy, and certified alcohol or drug abuse counselors are exempt from the regulations and standards for certification, provided that such exemptions shall apply only to individual professional persons in their private practice and not to any treatment facility operated by such person. ~~Properly licensed hospitals~~ Hospitals which treat alcohol- or drug-dependent persons only, as a function of their general medical services and not as a specialized treatment unit, programs operated by the State Department of Health or Department of Human Services, programs conducted and facilities operated by Alcoholics Anonymous, the Department of Corrections, the Department of Mental Health and Substance Abuse Services, or the Salvation Army are also exempt from the provisions of the Oklahoma Alcohol and Drug Abuse Services Act, ~~Section 3-401 et seq. of this title.~~

F. Certified services for the alcohol- or drug-dependent person shall comply with standards adopted by the Alcohol and Drug Abuse Prevention, Training, Treatment and Rehabilitation Authority. Such standards shall require that treatment and therapeutic methods shall be in compliance with:

1. The Joint Commission on the Accreditation of Healthcare Organizations;
2. The Commission on Accreditation of Rehabilitation Facilities; or
3. Approved medical and professional standards as determined by the Board of Mental Health and Substance Abuse Services.

G. The Board may require a precertification review of any new applications that appear to use nontraditional methods of treatment. The Board may select an independent, recognized authority in Oklahoma to review such programs to make recommendations to the Board as to the validity of the proposed program.

H. Any facility or organization certified to provide certified services shall cooperate with inspection personnel of the state and shall promptly file all reports required by the Alcohol and Drug Abuse Prevention, Training, Treatment and Rehabilitation Authority.

I. Failure to comply with regulations and standards promulgated by the Authority shall be grounds for revocation of certification and licensing, after proper notice and hearing.

J. All claims by and accomplishments publicized by any applicant for certification or any certified alcohol- or drug-dependent organization, including but not limited to patient count and success rates, shall be documented and verifiable by the Board.

K. The Alcohol and Drug Abuse Prevention, Training, Treatment and Rehabilitation Authority is hereby authorized to collect from each applicant the sum of One Hundred Dollars (\$100.00) annually to help defray the costs incurred in the certification procedure.

L. Any materials or information received by the Authority from an applicant regarding the applicant's financial status or including a client's identity shall not be construed to be open records pursuant to the Oklahoma Open Records Act, Section 24A.1 et seq. of Title 51 of the Oklahoma Statutes.

M. The private facilities, organizations and programs which are required to be certified, after having achieved and maintained full certification by the Department for one complete certification cycle, may, at their discretion, become excepted from the provisions of the Alcohol and Drug Abuse Services Act by obtaining and maintaining full accreditation status from one of the following:

1. The Joint Commission on the Accreditation of Healthcare Organizations (JCAHO);

2. The Commission on Accreditation of Rehabilitation Facilities (CARF); or

3. The American Osteopathic Association (AOA).

This full accreditation shall be maintained by the excepted program.
If the program's substance abuse services are a part of a larger
organization which is accredited, the inclusion of the substance
abuse services in the accreditation survey and status shall be
specified by the accrediting body in letters or other instruments of
notification. If new services are added by the program during the
period of full certification, the program shall obtain accreditation
for those services, or obtain certification from the Department for
those services.

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.

44-1-5184

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