

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

HOUSE BILL NO. 2336

By: Hamilton (Jeff)

AS INTRODUCED

An Act relating to Mental Health and Substance Abuse Services; amending 43A O.S. 1991, Sections 1-101, 2-101, 2-103, 2-104, 2-105, 2-106, 2-107, 2-108, 2-202, 2-204, 2-207 and 2-209, which relate to the Board of Mental Health and Substance Abuse Services; modifying powers and duties of the Board; modifying and adding to powers and duties of the Commissioner and Department of Mental Health and Substance Abuse Services; changing name of Mental Health Law to Mental Health and Substance Abuse Law; modifying and adding to membership of Board; providing for qualifications and appointment; specifying duties; creating the advisory councils; providing for powers, duties, appointment and terms; change name of Title 43A of the Oklahoma Statutes to Mental Health and Substance Abuse Services; providing for noncodification; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 43A O.S. 1991, Section 1-101, is amended to read as follows:

Section 1-101. This act shall be known as the Mental Health and Substance Abuse Law.

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

Section 2-101. A. There is hereby established in this state a Department of Mental Health and Substance Abuse Services. ~~This~~ The Department's ~~governing board shall be the Board of Mental Health and Substance Abuse Services,~~ and its chief executive officer shall be the Commissioner of Mental Health and Substance Abuse Services. The Department of Mental Health and Substance Abuse Services shall exercise all functions of the state in relation to the administration and operation of all state institutions for the care and treatment of the mentally ill and drug- or alcohol-dependent persons.

B. All references in the Oklahoma Statutes to the Department of Mental Health or the Board of Mental Health shall be construed to refer to the Department of Mental Health and Substance Abuse Services or the Board of Mental Health and Substance Abuse Services, respectively.

SECTION 3. AMENDATORY 43A O.S. 1991, Section 2-103, is amended to read as follows:

Section 2-103. A. 1. There is hereby created the Board of Mental Health and Substance Abuse Services. The Board of Mental Health and Substance Abuse Services shall be composed of ~~seven (7)~~ nine (9) members appointed by the Governor with the consent of the Senate. Immediately after June 3, 1953, one member shall be appointed for a term expiring December 31, 1953, and one each for terms ending respectively one (1), two (2), three (3), four (4), five (5) and six (6) years thereafter.

2. By June 1, 1994, two additional members shall be appointed to the Board by the Governor. One member shall be appointed for three (3) years. The remaining member shall be appointed for four (4) years.

3. Upon the expiration of any of the terms a successor shall be appointed for a full term of seven (7) years.

B. 1. The members shall be appointed as follows: One member, who shall be a physician licensed to practice in this state, and one member, who shall be a psychiatrist certified as a diplomate of the American Board of Psychiatry and Neurology, shall both be appointed from a list containing the names of not less than three physicians and not less than three psychiatrists submitted to the Governor by the Oklahoma State Medical Association; one member shall be an attorney licensed to practice in this state and shall be appointed from a list of not less than three names submitted to the Governor by the Oklahoma Bar Association; and one member shall be a psychologist, licensed to practice in this state, who shall be appointed from a list of not less than three names submitted to the Governor by the Oklahoma State Psychological Association. No person shall be appointed a member of the Board who has been a member of the Legislature of this state within the preceding five (5) years.

2. The two new members appointed by June 1, 1994, shall be appointed from lists submitted by professional and lay organizations which provide diagnosis, treatment and rehabilitation services to alcohol- and drug-dependent persons.

3. At the expiration of the next term of office on the Board immediately following the effective date of this act, a new member shall be appointed from lists submitted by the professional and lay organizations specified in paragraph 2 of this subsection.

4. At the expiration of the next term of office on the Board immediately following an appointment made pursuant to paragraph 3 of this subsection, a new member shall be appointed from lists

submitted by professional and lay organizations which provide domestic violence services to victims of domestic abuse.

5. The Board shall elect its own chairman and vice-chairman.

C. The chairman may call meetings at any time. All regularly scheduled meetings will be held at the Central Office of the Department of Mental Health and Substance Abuse Services, Oklahoma City, Oklahoma, unless otherwise scheduled. The Board, not in conjunction with a regularly scheduled meeting, or their designee, shall visit each facility once during each fiscal year with a report on the status of each facility given to the full Board after such visit. ~~Four~~ Five members shall constitute a quorum at any meeting, and all action may be taken by an affirmative vote of the majority of the members present at any such meeting.

D. The action taken by the Board on any matter, or any document passed by the Board, shall be considered official when such action is placed in writing and signed by the chairman, or vice-chairman.

~~The duties of the Board shall pertain to the care, treatment, and hospitalization of the mentally ill, and alcohol- or drug-dependent persons.~~

E. Members of the Board of Mental Health and Substance Abuse Services shall be allowed their necessary travel expenses pursuant to the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes.

F. The Board shall:

1. Appoint and fix the compensation of the Commissioner of the Department of Mental Health and Substance Abuse Services;

2. Be the rulemaking body for the Department;

3. Review and approve the budget request of the Department to the Governor;

4. Assist the Department in conducting periodic reviews and planning activities related to the goals, objectives, priorities and policies of the Department;

5. Provide a public forum for receiving comments and disseminating information to the public and the regulated community regarding goals, objectives, priorities and policies of the Department at least quarterly. The Board shall have the authority to adopt nonbinding resolutions requesting action by the Department in response to comments received or upon the Board's own initiative; and

6. Review and evaluate the need for amendments or additions to the Oklahoma Statutes regarding the programs and functions of the Department and make legislative recommendations to the Legislature.

G. As the rulemaking body for the Department, the Board is specifically charged with the duty of promulgating rules which will implement the duties and responsibilities of the Department pursuant to the Mental Health and Substance Abuse Law. Except as provided in this subsection, rules within the jurisdiction of a council provided for by this act shall be promulgated with the advice of such council. Proposed permanent rules within the jurisdiction of a council shall not be considered by the Board for promulgation until receipt of the appropriate council's recommendation on such promulgation; however, the Board may promulgate emergency rules without the advice of the appropriate council when the time constraints of the emergency, as determined by the Board, do not permit the timely development of recommendations by the council. All actions of the councils with regard to rulemaking shall be deemed actions of the Board for the purposes of complying with the Administrative Procedures Act.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-109 of Title 43A, unless there is created a duplication in numbering, reads as follows:

A. There are hereby created:

1. The Mental Health Rules Advisory Council;
2. The Substance Abuse Rules Advisory Council; and

3. The Domestic Violence Rules Advisory Council.

B. 1. Each council created pursuant to subsection A of this section shall consist of nine (9) members. Three members shall be appointed by the Governor, three members shall be appointed by the Speaker of the House of Representatives and three members shall be appointed by the President Pro Tempore of the Senate. The initial appointments for each gubernatorial and legislative member shall be for progressive terms of one (1) through three (3) years so that only one term expires each calendar year; subsequent appointments shall be for three-year terms. Members shall continue to serve until their successors are appointed. Any vacancy shall be filled in the same manner as the original appointments. Five members shall constitute a quorum.

2. Each council shall elect a chair and a vice-chair from among its members. Each council shall meet as required for rule development, review and recommendation and for such other purposes specified by law. Special meetings may be called by the chair or by the concurrence of any three members.

C. All members of the Mental Health Rules Advisory Council shall be knowledgeable of mental health. The Council shall be composed as follows:

1. The Governor shall appoint three members as follows:

- a. one member representing the field of mental health,
- b. one member representing a statewide nonprofit mental health treatment facility or organization, and
- c. one member representing the general public;

2. The President Pro Tempore of the Senate shall appoint three members as follows:

- a. one member representing a private psychiatric facility located in this state,
- b. one member representing a public psychiatric facility, and

- c. one member representing community mental health services; and

3. The Speaker of the House of Representatives shall appoint three members as follows:

- a. one member representing a political subdivision of the state who shall be a member of the local governmental body of a city or town,
- b. one member representing law enforcement, and
- c. one member representing a public or private agency providing services to the homeless mentally ill.

D. All members of the Substance Abuse Rules Advisory Council shall be knowledgeable of substance abuse. The Council shall be composed as follows:

1. The Governor shall appoint three members as follows:

- a. one member who is a physician and who has received specific training in substance abuse,
- b. one member representing a statewide nonprofit alcoholism organization, and
- c. one member representing a political subdivision of the state who shall be a member of the local governing body of a city or town;

2. The President Pro Tempore of the Senate shall appoint three members as follows:

- a. one member representing a community mental health service,
- b. one member representing the general public, and
- c. one member representing a certified service for the alcohol and drug dependent; and

3. The Speaker of the House of Representatives shall appoint three members as follows:

- a. one member representing a private facility offering substance abuse services,

- b. one member representing law enforcement, and
- c. one member who has experienced substance abuse.

E. All members of the Domestic Violence Rules Advisory Council shall be knowledgeable of domestic violence and sexual assault. The Council shall be composed as follows:

1. The Governor shall appoint three members as follows:

- a. one member representing a statewide nonprofit domestic violence and sexual assault organization,
- b. one member who shall be a district attorney, and
- c. one member representing the general public;

2. The President Pro Tempore of the Senate shall appoint three members as follows:

- a. one member representing a domestic violence facility,
- b. one member representing a political subdivision of this state who shall be a member of the local governmental body of a city or town, and
- c. one member representing law enforcement; and

3. The Speaker of the House of Representatives shall appoint three members as follows:

- a. one member who was a victim or is a survivor of domestic abuse or sexual assault,
- b. one member representing a public facility which offers domestic abuse and sexual assault services, and
- c. one member representing a private facility which offers domestic abuse and sexual assault services.

F. In addition to other powers and duties assigned to each council pursuant to this act, each council shall, within its jurisdictional area:

1. Have authority to recommend to the Board rules on behalf of the Department. The Department shall not have standing to recommend to the Board permanent rules or changes to such rules within the

jurisdiction of a council which have not previously been submitted to the appropriate council for action;

2. Before recommending any permanent rules to the Board, give public notice, offer opportunity for public comment and conduct a public rulemaking hearing when required by the Administrative Procedures Act;

3. Have the authority to make written recommendations to the Board which have been concurred upon by at least a majority of the membership of the council;

4. Have the authority to provide a public forum for the discussion of issues it considers relevant to its area of jurisdiction, and to:

- a. pass nonbinding resolutions expressing the sense of the council, and
- b. make recommendations to the Board or Department concerning the need and the desirability of conducting meetings, workshops and seminars; and

5. Cooperate with each other council, the public, the Board and the Commissioner in order to coordinate the rules within their respective jurisdictional areas and to achieve maximum efficiency and effectiveness in furthering the objectives of the Department.

G. The councils shall not recommend rules for promulgation by the Board unless all applicable requirements of the Administrative Procedures Act have been followed, including but not limited to notice, rule impact statement and rulemaking hearings.

H. Members of the councils shall serve without compensation but may be reimbursed expenses incurred in the performance of their duties, as provided in the State Travel Reimbursement Act. The councils are authorized to utilize the conference rooms of the Department and obtain administrative assistance from the Department as required.

SECTION 5. AMENDATORY 43A O.S. 1991, Section 2-104, is amended to read as follows:

Section 2-104. The ~~Board~~ Commissioner of Mental Health and Substance Abuse Services ~~shall be the controlling board and~~ shall have authority to administer the affairs of the institutions, including the authority to employ the superintendent or other administrative head of the institutions and their employees and to fix their salaries. The ~~controlling board~~ Commissioner shall make administrative decisions governing the type, nature, and propriety of all purchases made for general maintenance of the institution. The ~~Board of Mental Health and Substance Abuse Services~~ Commissioner is authorized to discontinue farm operations or any portion of the farm operations at any time ~~if~~ the Commissioner feels it is to the best interest to the Department and this state. The ~~Board~~ Commissioner may declare equipment and land which are surplus to the needs of the Department to the ~~Office of Public Affairs~~ Department of Central Services. The ~~Office of Public Affairs~~ Department of Central Services will dispose of these surpluses as provided by law. The ~~Office of Public Affairs~~ Department of Central Services shall be the purchasing agency for all institutions for which appropriations are made in the Mental Health and Substance Abuse Law, but shall not have authority to determine the propriety of purchases of institutions over which they are not the controlling board. The ~~Board of Mental Health and Substance Abuse Services~~ Commissioner is authorized to spend funds for the development of recreational facilities on state-owned land outside the institution grounds.

SECTION 6. AMENDATORY 43A O.S. 1991, Section 2-105, is amended to read as follows:

Section 2-105. ~~(a) On and after July 1, 1967, the Board~~ The Department of Mental Health and Substance Abuse Services shall be the Mental Health and Substance Abuse Services Authority of the State of Oklahoma, and is authorized to receive grants of federal

funds for the purpose of combating or preventing mental illness, including but not limited to funds for the treatment, care, rehabilitation, or training of the mentally ill, or for the establishment or expansion of any program of facilities or research projects relating to the mentally ill, or for construction of research centers and other facilities for the mentally ill, and is authorized to cooperate in any reasonable manner with the federal agency or agencies granting such federal funds for such purposes, including compliance with any conditions prescribed by federal authorities for the granting of such funds. The ~~Board of Mental Health and Substance Abuse Services~~ Department shall serve as the sole designated state agency for receiving, disbursing, or administering federal funds for any of the aforesaid purposes, provided federal law requires such an agency and the Board of Mental Health and Substance Abuse Services is eligible to be such an agency under federal law. Construction projects, and applications therefor for any of the aforesaid purposes, shall not require the approval of any other state agency. Provided, that this section shall not prevent any other agency from receiving, disbursing, or administering federal grants for any of the aforesaid purposes in accordance with federal law.

~~(b) In order to provide for an orderly transition to the Board of Mental Health and Substance Abuse Services of such of the aforesaid functions as are now vested in other public agencies, this section shall not affect the construction by other public agencies of community mental health facilities, or the maintenance by other public agencies of programs for mental health, or the furnishing by other public agencies of mental health services in child guidance centers, or the receipt by other public agencies of federal funds for any of such purposes.~~

SECTION 7. AMENDATORY 43A O.S. 1991, Section 2-106, is amended to read as follows:

Section 2-106. The ~~Board~~ Department of Mental Health and Substance Abuse Services shall accept, hold in trust and authorize the use of any grant or devise of land, or any donation or bequest of money, or other personal property made to the Department, or to any institution therein, so long as the terms of the grant, donation, bequest, gift, or will are carried out. The ~~Board of Mental Health and Substance Abuse Services~~ Commissioner may invest and re-invest any funds and may lease or sell any real or personal property and invest the proceeds, for the benefit of the Department or any institution therein unless prevented by the terms of the grant, donation, bequest, gift or will.

The ~~Board of Mental Health and Substance Abuse Services~~ Commissioner must annually account to the State Auditor and Inspector for all monies or property received or expended by virtue of this section which account shall state the source of the monies or property received with the actual date of its receipt, the particular use or place for which it was expended, the balance on hand showing the place of deposit of the unexpended balance.

SECTION 8. AMENDATORY 43A O.S. 1991, Section 2-107, is amended to read as follows:

Section 2-107. A. There is hereby created in the State Treasury a revolving fund for the Department of Mental Health and Substance Abuse Services to be designated the "Capital Outlay Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of income as provided in this section. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Department of Mental Health and Substance Abuse Services for the purposes described in this section. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

B. On and after July 1, 1988, no easement, right-of-way, oil and gas lease or surface lease on any land used or occupied by any institution, under the jurisdiction of the ~~Board~~ Department of Mental Health and Substance Abuse Services, shall be granted or conveyed without the approval of the ~~Board~~ Commissioner; and all monies hereafter received or derived therefrom, including rentals and royalties for leases and from sale of land and equipment, shall be deposited in the Capital Outlay Fund of the Department of Mental Health and Substance Abuse Services and used by the ~~Board~~ Department for capital improvement at any Department of Mental Health and Substance Abuse Services facility, except as otherwise provided by the Legislature.

SECTION 9. AMENDATORY 43A O.S. 1991, Section 2-108, is amended to read as follows:

Section 2-108. When the ~~Board~~ Department of Mental Health and Substance Abuse Services has reason to believe that any person alleged or adjudged to be mentally ill is wrongfully deprived of his liberty, or is cruelly, negligently or improperly treated, or inadequate provision is made for his skillful medical care, proper supervision and safe keeping, the Commissioner may ascertain the facts or may order an investigation of the facts for the Board.

SECTION 10. AMENDATORY 43A O.S. 1991, Section 2-202, as amended by Section 2, Chapter 389, O.S.L. 1992 (43A O.S. Supp. 1993, Section 2-202), is amended to read as follows:

Section 2-202. The Commissioner of Mental Health and Substance Abuse Services shall have charge of the administration of the Department of Mental Health and Substance Abuse Services ~~as directed by the Board of Mental Health and Substance Abuse Services~~ and shall be charged with the duty of carrying out the provisions of the Mental Health and Substance Abuse Law. The Commissioner shall appoint a business administrator for the Department ~~with the approval of the Board~~ and may appoint necessary personnel to carry

on the work of the Department of Mental Health and Substance Abuse Services and prescribe their titles and duties and fix their compensation. The Commissioner may prescribe rules and regulations for the operation of the Department. In addition, the Commissioner shall:

1. Counsel with the various superintendents about their institutional needs and budget requests and shall prepare and submit for appropriate legislative action budget requests sufficient to carry on the functions of the Department. These budget requests shall be submitted to the Board of Mental Health and Substance Abuse Services for its recommendations before being submitted for legislative action; ~~and~~

2. Appoint the superintendents of the institutions within the Department ~~with the consent of the Board of Mental Health and Substance Abuse Services.~~ The Commissioner, ~~with the consent of the Board,~~ may remove a superintendent for cause; ~~and~~

3. Develop, institute, and administer such administrative and professional policies as may be necessary to guarantee the effective and efficient uniform operation of the Department of Mental Health and Substance Abuse Services and its institutions; ~~and~~

4. Prescribe uniform reports to be made by the superintendents of the institutions and designate forms to be used; ~~and~~

5. After conference with the superintendent of each institution, determine the number of employees to be appointed and fix their respective titles, salaries, and wages, which shall be uniform, as far as possible for comparable service; ~~and~~

6. Aid and assist and cooperate with the State Department of Health, institutions of higher learning, public schools, and others interested in public education of the problems of mental hygiene in the establishment of a sound mental health program in Oklahoma; ~~and~~

7. Visit each institution in the Department at least four times during each calendar year. During said visits, the Commissioner

shall have access to any or all institutional facilities and records and shall have the privilege of interviewing all personnel and patients within the institution. The purpose of such visits shall be:

- a. to review and evaluate the professional and administrative activity of said institutions, ~~and~~
- b. to ensure compliance with medical and administrative policies and procedures established by the Department, ~~and~~
- c. to modify and revise existing operating procedure to improve operational effectiveness, ~~and~~
- d. to institute new policies and procedures to effect improvement and economy of overall operation, and
- e. to coordinate the activity of each institution with the overall operation of the Department.

Following each official visit, the Commissioner shall make a report of his findings and recommendations, and submit such findings and recommendations to the Board of Mental Health and Substance Abuse Services; ~~and~~

8. Authorize other members of the Department to visit the institutions in the Department. Such persons shall have the same power to inspect the institution and its records and to interview personnel and patients of the Commissioner; ~~and~~

9. ~~Designate, with consent of the Board,~~ which type of patient shall be cared for at each institution or community mental health center and designate hospital or community mental health center districts for the purpose of determining to which of the institutions within the Department or community mental health centers persons committed from each county shall initially be sent. These designations may be changed from time to time. Patients may be transferred from one institution to another within the Department on the authority of the Commissioner as provided for in the Mental

Health and Substance Abuse Law. Permanent transfer of a patient may be made when it is apparent that the patient's general welfare, care, and treatment can be more effectively provided at another institution, provided the parents or guardian be notified as soon as possible of the transfer. Temporary transfer of a patient may be made in order that a patient may have the advantage of special service not available at the institution of his present residence. Requests for transfer shall be initiated by the superintendent of the institution in which the patient resides. Sufficient supporting information from the patient's records shall be submitted by the superintendent to the Commissioner to warrant a decision as to the advisability of the transfer; ~~and~~

10. Call meetings of the superintendents of the institutions in the Department, and act as chairman of such meetings, to discuss problems common to all in order to obtain uniformity and bring about coordination of the institutions for the maximum service to the state. Such called meetings may or may not be held jointly with the Board of Mental Health and Substance Abuse Services; ~~and~~

11. Act as Chairman of a Board of Psychiatric Examiners to review the case of any patient, and to examine any patient when the superintendent of any institution concludes that a patient within his institution is subject to discharge but said superintendent is unwilling to discharge the patient as provided in the Mental Health and Substance Abuse Law. Such Board shall be composed of the Commissioner and two members selected by the Board of Mental Health and Substance Abuse Services. Said members shall be selected from persons who are qualified examiners according to the Mental Health and Substance Abuse Law. The Commissioner may designate a third qualified examiner to act in his place as chairman when circumstances warrant and when he deems it necessary; ~~and~~

12. Keep a list of all nonresidents admitted to the institution within the Department and to make every effort possible to make

arrangements with other states so that mentally ill persons who are being cared for at public expense in any institution in this state and who are citizens or residents of such other states may be transferred at the expense of this state to similar institutions in such other states. The Commissioner shall not prevail upon relatives or friends of such mentally ill person or any other person to defray such expenses. Mentally ill persons who are being cared for at public expense in hospitals for mentally ill or institutions of other states, other than persons who have been transferred from penal institutions and the terms of whose sentences to such penal institutions shall not have expired, and who are citizens or residents of this state, may be transferred at the expense of such other states to similar institutions in this state. Removal of a nonresident to his state may be authorized by the Commissioner and all expenses of such transfer shall be taken from the Travel Fund of the institution if the transfer is to be at public expense. Patients returned to this state pursuant to these provisions shall be delivered directly to the hospital designated by the Commissioner and shall be admitted in accordance with these provisions; ~~and~~

13. Compile and keep a central registration of names and addresses, and names of nearest relatives of all inmates of mental institutions. Said record and the documents from which the same is compiled shall be confidential and the information contained in such record or documents shall not be disclosed to any person except to the State Commissioner of Health and the Department of Human Services. Upon request, such record or documents shall be available to authorized representatives of the federal government; ~~and~~

14. Prescribe the official forms of any and all papers not specifically described in the Mental Health and Substance Abuse Law including those to be used in ordering a person to an institution within the Department, except that when a person is ordered to an

institution by a court, the order to hospitalize or admit such person may be on such form as the court deems proper; ~~and~~

15. Utilize the services of employees of the Department of Central Services, State Department of Health, and Department of Human Services when authorized by the chairman or commissioner thereof. When employees of those agencies are used, the Commissioner of Mental Health and Substance Abuse Services may authorize payment of their traveling expenses as provided by law; ~~and~~

16. Have power to make contracts and agreements with other departments of this state to carry out these provisions; ~~and~~

17. Make a written report annually to the Governor concerning the administration of the Department and submit copies thereof to members of the Legislature. Said report shall be presented one (1) month prior to the convening of any regular session of the Legislature and shall include specific information regarding the number of patients admitted, treated, and discharged; the methods of treatment used and an appraisal of the success thereof; the financial condition and needs of each institution in the Department; any long-range plans or recommendations for the utilization and improvement of facilities, equipment, and personnel and for the care and treatment of patients; any recommendations requiring legislative enactments for fulfillment; and major findings, in summarized form, obtained by visits made pursuant to paragraph 7 of this section; ~~and~~

18. Have power to designate qualified personnel in the Department of Mental Health and Substance Abuse Services job classifications of Fire and Safety Officers, Security Officers, and Correctional Officers as peace officers. The authority of employees so designated shall be limited to maintaining custody of patients in mental health facilities, maintaining security or performing functions similar to those performed by correctional officers or other security personnel for Department of Corrections inmates

housed in mental health facilities, preventing attempted escapes, and pursuing and returning court committed patients and Department of Corrections inmates who have escaped from Department of Mental Health and Substance Abuse Services facilities. The powers and duties of such peace officers may be exercised for the purpose of maintaining custody of any patient being transported within the state and outside the State of Oklahoma pursuant to the authority of the Interstate Compact on Mental Health. To become qualified for designation as a peace officer pursuant to this section, an employee shall meet the training and screening requirements of the Department of Corrections pursuant to subparagraphs a through g of paragraph 2 of Section 510 of Title 57 of the Oklahoma Statutes and be of good moral character; and

19. Exercise any other power necessary to implement the provisions of the Mental Health and Substance Abuse Law.

SECTION 11. AMENDATORY 43A O.S. 1991, Section 2-204, is amended to read as follows:

Section 2-204. The Commissioner shall appoint an Assistant Commissioner ~~with the approval of the Board,~~ and shall set his salary. He shall meet at least one of the following qualifications:

1. Possession of a Master of Public Health, Master of Mental Health Administration or a Master of Hospital Administration from a program accredited by the Association of University Programs in Hospital Administration and completion of a four-year period of supervisory experience in the administration of health services; or

2. Possession of a Master of Arts or Master's Degree in Business Administration, Social Science, or a related field, and completion of a five-year period of supervisory experience in the administration of health services.

The Assistant Commissioner shall have the primary duty of coordination and supervision of all administrative and fiscal services provided in all facilities operated by the Department of

Mental Health and Substance Abuse Services in addition to other duties as prescribed by the Commissioner.

SECTION 12. AMENDATORY 43A O.S. 1991, Section 2-207, is amended to read as follows:

Section 2-207. The Commissioner, ~~with the consent of the Board,~~ may employ persons to assist in collecting the amount due the state for the care and treatment of patients, and may employ counsel to institute such actions or proceedings as he may deem proper to enforce the claim of the state for the care and treatment of a patient against such patient.

SECTION 13. AMENDATORY 43A O.S. 1991, Section 2-209, is amended to read as follows:

Section 2-209. The assistant superintendent, clinical director, physicians, business manager, and heads of several services of any institution, shall be considered as officers of the institution and shall be appointed by the Commissioner ~~with the consent of the Board,~~ upon recommendation of the superintendent of said institution. They may only be removed with the consent of the ~~Board~~ Commissioner; but the superintendent may suspend them for good and sufficient cause, but in such case he shall forthwith notify the Commissioner in writing.

SECTION 14. In publishing cumulative supplements after July 1, 1994, and the decennial Oklahoma Statutes, West Publishing Company shall redesignate Title 43A of the Oklahoma Statutes in such supplement and decennial statutes as "Mental Health and Substance Abuse Services".

SECTION 15. Section 14 shall not be codified in the Oklahoma Statutes.

SECTION 16. This act shall become effective July 1, 1994.

SECTION 17. 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.

44-2-7802

KSM