

ENROLLED HOUSE
BILL NO. 1303

By: Eddins of the House

and

Long of the Senate

An Act relating to mental health; amending 43A O.S. 1991, Section 5-208, as amended by Section 2, Chapter 387, O.S.L. 1997 (43A O.S. Supp. 1997, Section 5-208), which relates to persons held in protective custody and emergency detention; requiring inquiry about Advance Directives for Mental Health Treatment Act; amending 74 O.S. 1991, Section 500.2, as last amended by Section 27 of Enrolled House Bill No. 3348 of the 2nd Session of the 46th Oklahoma Legislature, which relates to the State Travel Reimbursement Act; authorizing the Commissioner of the Department of Mental Health and Substance Abuse Services to enter into contracts for certain expenses related to conferences and meetings; establishing certain limitations; and providing an effective date.

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

SECTION 1. AMENDATORY 43A O.S. 1991, Section 5-208, as amended by Section 2, Chapter 387, O.S.L. 1997 (43A O.S. Supp. 1997, Section 5-208), is amended to read as follows:

Section 5-208. A. A person in protective custody as provided by Section 5-207 of this title shall be examined at the appropriate facility by a licensed mental health professional within twelve (12) hours of being placed in protective custody for the purpose of determining whether emergency detention of the person is warranted.

1. If, upon examination, the licensed mental health professional determines that the person is not a mentally ill person, an alcohol-dependent person, or a drug-dependent person requiring treatment or that the condition of the person is such that emergency detention is not warranted, the person shall be returned immediately to the point where such person was taken into protective custody and released.

2. If, upon examination, the licensed mental health professional determines that the person is a mentally ill person, an alcohol-dependent person, or a drug-dependent person requiring treatment to a degree that emergency detention is warranted, the licensed mental health professional shall immediately:

- a. prepare a statement describing the findings of the examination and stating the basis for the determination. The statement shall be substantially in a form prescribed by the Department of Mental Health and Substance Abuse Services, ~~and~~
- b. provide for a full examination and evaluation of the person by two licensed mental health professionals and, if the person appears to be a mentally ill

person, the completion of a certificate of evaluation as provided by Section ~~11~~ 5-414 of this ~~act~~ title, and

c. make reasonable efforts to determine whether the person has a current and unrevoked advance directive executed pursuant to the Advance Directives for Mental Health Treatment Act.

B. If a licensed mental health professional, designated to have such responsibility by the administrator of a hospital, or the administrator of a facility designated by the Commissioner of Mental Health and Substance Abuse Services as appropriate for emergency detention believes a voluntary patient to be a mentally ill person, an alcohol-dependent person, or a drug-dependent person requiring treatment to a degree that emergency action is necessary, the administrator may detain such patient in emergency detention for a period not to exceed seventy-two (72) hours only on the following conditions:

1. The patient has refused to consent or has withdrawn consent to voluntary treatment;

2. The patient has been examined by a licensed mental health professional who has determined that the person is a mentally ill person, an alcohol-dependent person, or a drug-dependent person requiring treatment, the condition of the person is such that emergency detention is warranted, and a statement has been prepared as provided in subsection A of this section; and

3. The administrator or the designee of the administrator shall provide for a full examination and evaluation of the patient by two licensed mental health professionals and, if the person appears to be a mentally ill person, the completion of a certificate of evaluation.

C. Whenever it appears that a person detained as provided by this section will require treatment beyond the period of emergency detention and the person has refused to consent to voluntary treatment, a licensed mental health professional conducting an evaluation of the person or the administrator of the facility in which the person is being detained, or the designee of the administrator, shall immediately file a petition with the district court as provided by Section ~~4~~ 5-410 of this ~~act~~ title or Section 9-102 of this title, and may request a court order directing prehearing detention when such detention is necessary for the protection of the person or others.

SECTION 2. AMENDATORY 74 O.S. 1991, Section 500.2, as last amended by Section 27 of Enrolled House Bill No. 3348 of the 2nd Session of the 46th Oklahoma Legislature, is amended to read as follows:

Section 500.2 A. Officials and employees of the state, traveling on authorized state business, may be reimbursed for expenses incurred in such travel in accordance with the provisions of ~~this act~~ the State Travel Reimbursement Act and existing statutes relating to state travel. Persons who are not state employees, but who are performing substantial and necessary services to the state which have been directed or approved by the appropriate department official shall enjoy the protection of the sovereign immunity of the state to the same extent as a paid employee. Such persons may be reimbursed for expenses incurred during authorized official travel under these same statutory provisions, provided it is indicated on the claim the person is not a state employee, a description of services performed is entered, and the agency head by his approval of the claim certifies such services were substantial and necessary, and germane to the duties and functions of the reimbursing agency. Travel expenses incurred by a person during the course of seeking

employment with a state agency, unless such travel is performed at the request of the employing agency, shall not be considered expenses incurred in performing substantial and necessary services to the state and shall not be reimbursed under the provisions of this act.

B. The chief administrative officer of the Department of Public Safety, the Oklahoma State Bureau of Investigation, the Bureau of Narcotics and Dangerous Drugs Control, the Oklahoma Military Department, the Department of Corrections, the Department of Central Services, the Alcoholic Beverage Laws Enforcement Commission, the State Department of Agriculture, the Department of Civil Emergency Management, and the State Fire Marshal may arrange for and charge meals and lodging for a contingent of state personnel moved into an area for the purpose of preserving the public health, safety, or welfare or for the protection of life or property. The cost for meals or lodging so charged shall not exceed the amount authorized in this act. The chief administrative officer of each agency involved in such an operation shall require the vendor furnishing meals, lodging, or both meals and lodging to submit an itemized statement for payment. When a claim for lodging is made for a contingent of state personnel, individual members of the contingent may not submit a claim for lodging. When a claim for meals is made for a contingent of state personnel, individual members of the contingent may not submit a claim for meals.

C. The Oklahoma Department of Commerce and the Oklahoma Center for the Advancement of Science and Technology are hereby authorized to enter into contracts and agreements for the payment of food, lodging, meeting facility and beverage expenses as may be necessary for sponsoring seminars and receptions relating to economic development and science and technology issues. Such expenses may be paid directly to the contracting agency or business establishment. The Director of the Oklahoma Department of Commerce and the President of the Oklahoma Center for the Advancement of Science and Technology shall each provide a quarterly report of such expenditures to the Governor, the Speaker of the House of Representatives and the President Pro Tempore of the Senate.

D. For purposes of this section:

1. "State agency" means any constitutionally or statutorily created state board, commission, or department, including the Legislature and the Courts; and

2. State agencies are authorized to enter into contracts and agreements for the payment of food and lodging expenses as may be necessary for employees or other persons who are performing substantial and necessary services to the state attending official conferences, meetings, seminars, workshops, or training sessions or in the performance of their duties. Such expenses may be paid directly to the contracting agency or business establishment, provided the meeting qualifies for overnight travel for the employees and the cost for food and lodging for each employee shall not exceed the total daily rate as provided in the State Travel Reimbursement Act, Section 500.1 et seq. of this title.

E. State agencies are authorized to make direct purchases of commercial airline tickets for use by employees in approved out-of-state travel. Each claim or invoice submitted to the Director of State Finance for the payment of such purchase shall bear the airline identifying ticket number, the name of the airline, total cost of each ticket purchased, class of accommodation, social security number and name of the employee for whom the ticket was purchased, and shall be filed on claim forms as prescribed by the Director of State Finance. An affidavit shall state that said

employee did use any direct purchase commercial airline ticket received for his or her approved out-of-state travel.

F. 1. The Administrator of the Office of Personnel Management is hereby authorized to enter into contracts and agreements for the payment of food, lodging, and other authorized expenses as may be necessary to host, conduct, sponsor, or participate in conferences, meetings, or training sessions. The Administrator may establish accounts as necessary for the collection and distribution of funds, including funds of sponsors and registration fees, related to such conferences, meetings, and training sessions. Any expenses incurred may be paid directly to the contracting agency or business establishment.

2. The cost of food for persons attending any conferences, meetings, and training sessions that do not require overnight travel shall not exceed the total daily rate as provided in the State Travel Reimbursement Act.

G. 1. The Commissioner of the Department of Mental Health and Substance Abuse Services is hereby authorized to enter into contracts and agreements for the payment of food, lodging, and other authorized expenses as may be necessary to host, conduct, sponsor, or participate in conferences, meetings, or training sessions. The Commissioner may establish accounts as necessary for the collection and distribution of funds, including funds of sponsors and registration fees, related to such conferences, meetings, and training sessions. Any expenses incurred may be paid directly to the contracting agency or business establishment.

2. The cost of food for persons attending any conferences, meetings, and training sessions that do not require overnight travel shall not exceed the total daily rate as provided in the State Travel Reimbursement Act.

SECTION 3. This act shall become effective November 1, 1998.

Passed the House of Representatives the 14th day of May, 1998.

Speaker of the House of
Representatives

Passed the Senate the 18th day of May, 1998.

President of the Senate