

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE BILL NO. 2285

By: Stanley

AS INTRODUCED

An Act relating to mental health; amending 43A O.S. 1991, Sections 3-403 and 3-417, as amended by Section 3, Chapter 327, O.S.L. 1994, which relate to the Oklahoma Alcohol and Drug Abuse Services Act; modifying definition; removing certain authority from the State Department of Health relating to certain licensing requirements; repealing 43A, O.S. 1991, Sections 3-418, 3-419, 3-420 and 3-421, which relate to licensing authority and other responsibilities and duties relating to alcoholism and drug abuse treatment facilities; and providing an effective date.

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

SECTION 1. AMENDATORY 43A O.S. 1991, Section 3-403, is amended to read as follows:

Section 3-403. As used in the Oklahoma Alcohol and Drug Abuse Services Act:

1. "Approved treatment facility" means any facility which offers either inpatient, intermediate or outpatient treatment to any person suffering from alcohol or drug abuse, or alcohol- or drug-related problems and which is certified by the Alcohol

Prevention, Training, Treatment and Rehabilitation Authority ~~and which has been licensed by the State Department of Health~~ pursuant to the provisions of the Oklahoma Alcohol and Drug Abuse Services Act;

2. An "alcohol-dependent person" is one who uses alcoholic beverages to such an extent that it impairs his health, his family life, his occupation and compromises the health and safety of the community;

3. A "drug-dependent person" means a person who is using a controlled substance as presently defined in Section 102 of the Federal Controlled Substances Act and who is in a state of psychic or physical dependence, or both, arising from administration of that controlled substance on an intermittent or continuous basis. Drug dependence is characterized by behavioral and other responses which include a strong compulsion to take the substance on a continuous basis in order to experience its psychic effects, or to avoid the discomfort of its absence;

4. "Authority" means the Alcohol and Drug Abuse Prevention, Training, Treatment and Rehabilitation Authority;

5. "Council" means the Alcoholism and Drug Abuse Advisory Council;

6. "Incompetent person" means a person who has been adjudged legally mentally incompetent by a district court and who has not been judicially restored to competency;

7. "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as the direct result of the consumption of alcohol or drugs;

8. "Medical detoxification" means diagnostic and treatment services performed by licensed facilities for acute alcohol intoxication, delirium tremens and physical and neurological complications resulting from acute intoxication. Medical detoxification includes the services of a physician and attendant

medical personnel including nurses, interns and emergency room personnel, the administration of a medical examination and a medical history, the use of an emergency room and emergency medical equipment if warranted, a general diet of three meals each day, the administration of appropriate laboratory tests, and supervision by properly trained personnel until the person is no longer medically incapacitated by the effects of alcohol;

9. "Nonmedical detoxification" means detoxification services for intoxicated clients with no apparent physical or neurological symptoms requiring medical treatment as a result of their intoxication. Nonmedical detoxification includes providing a bed, oral administration of fluids, three meals a day and the taking of the client's temperature, blood pressure and pulse at least once every six (6) hours for the duration of the client's stay in the nonmedical detoxification service;

10. "Inpatient treatment" means the process of providing residential diagnostic and treatment services on a scheduled basis;

11. "Intermediate care" means an organized therapeutic environment in which a client may receive diagnostic services, counseling, vocational rehabilitation and/or work therapy while benefiting from the support which a full or partial residential setting can provide. Intermediate care should provide a transition between the inpatient detoxification facility and reintegration into community life. Intermediate care must include provision for a bed, three meals a day and medical support if needed;

12. "Transitional living facility" and "halfway house" means an approved treatment facility which offers or provides temporary residential accommodations, meals, supervision at all times residents are in the facility or on facility premises, and services, including counseling, short-term supportive care, case management, mental health services or treatment services to residents pursuant to a contract with the Department of Mental Health and Substance

Abuse Services. A transitional living facility shall provide services to not more than twelve (12) residents;

13. "Short-term supportive care" means a service rendered to any person residing in a halfway house or transitional living facility which is sufficient to assist the person to meet or achieve an adequate level of daily living and to learn or develop adequate daily living skills. Daily living skills shall include but not be limited to resident participation in meal preparation and routine housekeeping and laundry tasks. Short-term supportive assistance includes, but is not limited to assistance in the preparation of meals, housekeeping, laundry tasks and personal hygiene. Short-term supportive assistance shall not include medical services or personal care as defined in Section 1-820 of Title 63 of the Oklahoma Statutes; and

14. "Treatment" means the broad range of emergency, inpatient, intermediate and outpatient services and care, including diagnostic evaluation, medical, psychiatric, psychological and social service care, vocational rehabilitation and career counseling, which may be extended to alcohol-dependent, intoxicated and drug-dependent persons.

SECTION 2. AMENDATORY 43A O.S. 1991, Section 3-417, as amended by Section 3, Chapter 327, O.S.L. 1994 (43A O.S. Supp. 1997, Section 3-417), is amended to read as follows:

~~Section 3-417. A. After being certified by the Alcohol and Drug Abuse Prevention, Training, Treatment and Rehabilitation Authority, any person or private agency, other than a transitional living facility or halfway house as defined by Section 3-403 of this title and persons or private agencies providing only outpatient services, shall apply to the State Commissioner of Health for a license to operate the treatment facility. Applications for such licenses shall be made in accordance with provisions for licensing~~

~~hospitals and related institutions contained in Sections 1-703 and 1-704 of Title 63 of the Oklahoma Statutes.~~

B. In addition to the standards for treatment services and rules of operation required by Section 3-416 of this title, the Department of Mental Health and Substance Abuse Services shall establish physical facility standards, fire safety standards and such other health and safety standards for treatment centers, halfway houses and transitional living facilities as necessary.

~~C. B.~~ The Department of Mental Health and Substance Abuse Services ~~and the State Department of Health~~ shall ensure that the standards required by Section 3-415 of ~~Title 43A~~ this title and Section 1-705 of Title 63 of the Oklahoma Statutes include specific physical facility standards providing for facilities that provide substance abuse treatment services to pregnant women and women with children when the children also reside at the facility.

SECTION 3. REPEALER 43A O.S. 1991, Sections 3-418, 3-419, 3-420 and 3-421, are hereby repealed.

SECTION 4. This act shall become effective November 1, 1998.

46-2-8866 KSM