STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 2487

By: Roach, Boyd, Deutschendorf, Staggs and Wells of the House

and

Cain of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to health; creating the Oklahoma Prenatal Addiction Act; providing for short title and stating purpose; creating the Joint Legislative Task Force on Prenatal Addiction; providing for membership, officers, quorum, travel reimbursement, subcommittees, staff support and state agency assistance; providing for Task Force duties, responsibilities, and report; directing certain agencies to take certain actions; directing certain study; authorizing certain multidisciplinary team for certain purpose; providing for codification; and declaring an emergency.

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 1-546.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. Sections 1 through 5 of this act shall be known and may be cited as the "Oklahoma Prenatal Addiction Act."

B. It is the finding of the Oklahoma Legislature that the state has a substantial interest in protecting children from the harm that results from the abuse of drugs or alcohol by their mothers during pregnancy, both for the sake of the child and because of the potential cost to the state in providing medical and other care to such children. The Legislature recognizes that the preferable and most effective means of preventing birth defects and health problems

due to substance abuse by pregnant women is to provide readily available and accessible prenatal care and appropriate substance abuse treatment services, but further recognizes that in some instances it may be necessary to use the authority of the state to intervene for the purpose of preserving and protecting the health and well-being of the child.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-546.2 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. There is hereby established until June 30, 2001, the Joint Legislative Task Force on Prenatal Addiction and Treatment.

B. The Task Force shall be composed of nineteen (19) members as follows:

1. Four persons appointed by the Speaker of the Oklahoma House of Representatives, one of whom shall be a member of the House of Representatives and shall serve as cochair of the Task Force;

2. Four persons appointed by the President Pro Tempore of the Oklahoma State Senate, one of whom shall be a member of the Senate and shall serve as cochair of the Task Force;

3. Three persons appointed by the Governor;

4. The directors or commissioners, as appropriate, of the following state agencies, or their designees:

a. State Department of Health,

b. Department of Mental Health and Substance Abuse Services,

c. Oklahoma Health Care Authority,

d. District Attorneys Council,

e. Department of Human Services,

f. Oklahoma Commission on Children and Youth, and

g. Office of Juvenile Affairs; and

5. The Chair of the Governor's Task Force on Substance Abuse.

C. Appointed and designated members of the Task Force shall serve at the pleasure of their appointing or designating authorities. A vacancy in a position shall be filled in the same manner as the original appointment or designation.

1. The appointed members shall have professional training in areas such as medicine, nursing, addiction treatment, psychology, social work, law enforcement or health care delivery, and experience in areas related to prenatal and postnatal substance abuse treatment and services for women and their children.

2. A designated member shall have authority to speak and vote as the representative of the director or commissioner making the designation. An agency director or commissioner making a designation shall notify the cochairs of the Task Force in writing as to the name of the individual who will serve as designee.

D. The majority of members present and voting shall constitute a quorum for the purpose of transacting business.

E. Members shall receive no compensation for their service on the Task Force but shall receive travel reimbursement as follows:

1. Legislative members shall be reimbursed for their necessary travel expenses incurred in the performance of their duties in accordance with the provisions of Section 456 of Title 74 of the Oklahoma Statutes;

2. Nonlegislative members who are state officers or employees shall be reimbursed by their respective agencies for their necessary travel expenses incurred in the performance of their duties in accordance with the provisions of the State Travel Reimbursement Act; and

3. Members who are not legislators or officers or employees of the state shall be reimbursed by their appointing authority in accordance with the provisions of the State Travel Reimbursement Act.

F. The Task Force may establish subcommittees to assist it in the completion of its duties. The subcommittees may be composed of members of the Task Force and other individuals having professional training and experience in matters related to prenatal and postnatal substance abuse treatment and services for women and their children.

G. Every state agency listed in subsection B of this section shall provide information and assistance as requested by the Task Force.

H. Staff assistance for the Task Force and any subcommittees shall be provided by the staffs of the House of Representatives and the Oklahoma State Senate.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-546.3 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. On or before January 15, 2001, the Joint Legislative Task Force on Prenatal Addiction and Treatment shall prepare and report on specific recommendations for the design and implementation of a collaborative program to encourage and assist pregnant women who abuse or are addicted to drugs or alcohol to obtain prenatal and postnatal medical care and substance abuse treatment services.

B. The collaborative program components shall include but not be limited to:

1. Mechanisms for determining or screening for program eligibility;

2. Service delivery models, such as home-based or agency-based, inpatient, residential, outpatient, coordinated case management, and collateral service needs, such as training in employment skills, parenting skills, and services to prevent or reduce the risk of child abuse or neglect;

3. Substance abuse treatment services and modalities;

4. Prenatal and postnatal medical care;

5. Methods of assuring access to services and overcoming barriers to services, such as transportation, health insurance, the cost of treatment, child care, domestic violence, and fear of criminal prosecution or losing custody of their children;

6. Continuing health, treatment, and other appropriate services after the birth of the child;

7. Consequences for the failure of a pregnant woman to accept treatment services or to complete a plan of treatment, including but not limited to appropriate legal intervention or court involvement;

8. The respective roles and responsibilities of the public and private agencies implementing the program;

9. Methods of ensuring accountability for the program and its components;

10. Program evaluation; and

11. Other matters as necessary to fulfill the duties of the Task Force.

B. On or before January 15, 2001, the Task Force shall submit its report and recommendations in writing to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the chairs of the appropriate committees of the House and Senate, and the Governor. The report shall include recommendations for any necessary and appropriate legislation.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-546.4 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. The Department of Mental Health and Substance Abuse Services shall:

1. Prohibit all substance abuse treatment services administered by or contracted for by the Department from refusing to treat pregnant women if space and staff expertise is available;

2. Require all such programs and services to give priority to accepting pregnant women for treatment and services if space and staff expertise is available; and

3. Assist such programs to develop and implement treatment modalities and services appropriate for pregnant women.

B. On or before November 1, 2000, the Department of Mental Health and Substance Abuse Services and the State Department of Health shall jointly complete an epidemiological and demographic study to identify the prevalence in Oklahoma of pregnant women who abuse or are addicted to drugs or alcohol to the extent that the health or safety of the child is at risk, current services and service resources related to substance abuse and women who abuse or are addicted to drugs or alcohol both prenatal and postnatal, and current public expenditures for such services. The results of the study shall be provided to the Joint Legislative Task Force on Prenatal Addiction.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-546.5 of Title 63, unless there is created a duplication in numbering, reads as follows:

A district attorney may convene a multidisciplinary team to assist in making a determination of the appropriate disposition of a case of a pregnant woman who is abusing or is addicted to drugs or alcohol to the extent that the unborn child is at risk of harm. The multidisciplinary team shall include at least one person with training and experience in the treatment of addiction. As used in this section, an appropriate disposition may include but shall not be limited to filing a petition for involuntary commitment as provided by Section 5-410 et seq. of Title 43A of the Oklahoma Statutes to a public facility or a private facility willing to accept the pregnant woman for treatment.

SECTION 6. 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.

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