ENROLLED SENATE
BILL NO. 149

By: Haney and Hobson of the Senate

and

Settle and Begley of the House

An Act relating to mental health; stating duties of the Department of Mental Health and Substance Abuse Services for reducing inpatient care at Eastern State Hospital and providing procedures; requiring submission of certain plan; stating principles for reducing inpatient care at Eastern State Hospital; requiring certain staff to remain at specified levels; requiring specified savings be reinvested in certain services; requiring transition plan and timetable; stating contents of transition plan; stating procedures for development of transition plan and timetable; requiring cooperation and assistance between specified state entities; creating the Transition Oversight Panel for Deinstitutionalization of Eastern State Hospital; stating composition of panel; requiring services at pleasure of appointing authority; providing initial meeting and agenda for certain meeting; stating travel reimbursement; defining duties and responsibilities of Transition Oversight Panel; establishing a Joint Legislative Oversight Committee; stating composition; stating quorum; providing for appointment of members and vacancies; providing for initial meeting; providing for duties and responsibilities of Committee; providing for a public hearing; authorizing expenditure of certain funds; providing for codification; providing for noncodification; providing an effective date; 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 3-101.1 of Title 43A, unless there is created a duplication in numbering, reads as follows:

The Department of Mental Health and Substance Abuse Services shall perform the following duties in reducing the civil inpatient care capacity at Eastern State Hospital:

1. On or before July 1, 1999, move up to forty-four persons currently being treated at Eastern State Hospital into enhanced residential treatment units;

2. On or before July 1, 1999, submit to the Joint Legislative Oversight Committee on the Eastern State Hospital Transition and to the Governor a staffing plan which provides for forty-four enhanced residential treatment beds and an adequate number of forensic beds;

3. Work with the Transition Oversight Panel for the Deinstitutionalization of Eastern State Hospital to develop a transition plan and timetable for the deinstitutionalization of Eastern State Hospital. This transition plan shall be completed on or before January 1, 2000;

4. On or before January 1, 2000, submit the transition plan to the Joint Legislative Oversight Committee on the Eastern State Hospital Transition and to the Governor. Except for the provisions of paragraph 1 of this section, the Department of Mental Health and Substance Abuse Services shall not proceed with the transition until the Joint Legislative Oversight Committee on the Eastern State Hospital Transition and the Governor reviews the transition plan;

5. On or before January 1, 2001, reduce Eastern State Hospital staffing levels to those required for operation of the forensic units, the enhanced residential treatment units, and any services recommended by the Department of Mental Health and Substance Abuse Services.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-101.2 of Title 43A, unless there is created a duplication in numbering, reads as follows:

The Department of Mental Health and Substance Abuse Services shall reduce the number of patients treated at Eastern State Hospital in accordance with the following principles:

1. Each community mental health center in the Eastern State Hospital service area contracting with the Department of Mental Health and Substance Abuse Services shall be responsible for all care, both inpatient and outpatient, of persons with serious mental illness in the contractor’s service area, as defined by the Department of Mental Health and Substance Abuse Services;

2. Persons with serious mental illness shall be treated in local communities, or as close to the residence of these persons as possible;

3. The Department of Mental Health and Substance Abuse Services shall fund contracts with community mental health centers on an equitable basis;

4. During the transition period described in Section 1 of this act, no treatment shall be interrupted nor shall any person be prematurely discharged from Eastern State Hospital;

5. During the transition period, staffing at Eastern State Hospital shall remain at levels adequate to treat patients until they are properly discharged;

6. Savings from reduced staffing levels and reduced operating costs at Eastern State Hospital shall be reinvested into community-based mental health services in the Eastern State Hospital service area.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-101.3 of Title 43A, unless there is created a duplication in numbering, reads as follows:

A. The Department of Mental Health and Substance Abuse Services, with the advice and assistance of the Transition Oversight Panel, shall prepare a transition plan and timetable for the deinstitutionalization of Eastern State Hospital, following the principles in Section 2 of this act. The transition plan shall include:

1. An assessment of current community-based mental health services available in the northeastern part of this state;

2. A description of best practice treatment models and the range of community-based mental health services needed to appropriately treat and serve clients currently living in the community and those transitioning from Eastern State Hospital to the community;

3. An assessment of the funding needed in the community mental health system to appropriately treat, serve, and transition clients from Eastern State Hospital to the community and clients currently living in the community;

4. An equitable funding formula for community-based mental health services that places the primary emphasis of funding on the number of adults who are diagnosed with serious mental illness; and

5. A description of transition costs associated with the deinstitutionalization of the hospital.

B. In developing the transition plan and timetable, the Department of Mental Health and Substance Abuse Services with the advise and assistance of the Panel shall:

1. Work with all other related agencies and providers in developing a proposed plan for the state;

2. Actively seek and consider input from the public, organizations which advocate for persons with mental illness, professional organizations, and providers with an interest in the community mental health system in Oklahoma;

3. Hold at least two public hearings;

4. Solicit and accept written comments; and

5. Provide at least one written progress report to the Joint Legislative Oversight Committee on the Eastern State Hospital Transition and the Governor on or before October 1, 1999.

C. The Department of Mental Health and Substance Abuse Services, the Panel and all departments, officers, agencies and employees of the state shall mutually cooperate in carrying out the duties and responsibilities of the Department and the Panel, including, but not limited to, providing any information, records and reports as may be requested by the Department or the Panel. The Department of Mental Health and Substance Abuse Services, the Oklahoma Health Care Authority and providers having contracts with these agencies for the delivery of mental health services shall provide assistance as requested.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-101.4 of Title 43A, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created until June 30, 2001, the Transition Oversight Panel for the Deinstitutionalization of Eastern State Hospital. The panel shall be composed of nine (9) members as follows:

1. Three persons, appointed by the Governor, one each representing the following groups:

a. consumers of mental health services or a statewide advocacy group,

b. family members of consumers or a statewide advocacy group, and

c. community mental health services providers from the Eastern State Hospital service area.

2. Three persons, appointed by the President Pro Tempore, one each representing the following groups:

a. consumers of mental health services or a statewide advocacy group,

b. family members of consumers or a statewide advocacy group, and

c. community mental health services providers from the Eastern State Hospital service area.

3. Three persons, appointed by the Speaker of the House of Representatives, one each representing the following groups:

a. consumers of mental health services or a statewide advocacy group,

b. family members of consumers or a statewide advocacy group, and

c. community mental health services providers from the Eastern State Hospital service area.

B. Original appointments to the Panel shall be made on or before June 15, 1999, and members shall serve at the pleasure of the appointing authority.

C. The Commissioner of Mental Health and Substance Abuse Services shall convene the first meeting of the Panel on or before August 1, 1999, and serve as an ex officio and nonvoting member. At the first meeting the Panel shall:

1. Elect a chair and vice-chair from among the voting members and

2. Adopt a meeting schedule and work plan for the completion of its responsibilities.

D. Members of the Panel shall receive no compensation, but shall be reimbursed for travel expenses incurred in the performance of their duties in accordance with the State Travel Reimbursement Act.

E. The Panel shall perform the following duties:

1. Advise and assist the Department of Mental Health and Substance Abuse Services in developing a transition plan and timetable for the orderly transition of clients from Eastern State Hospital to community-based mental health services; and

2. Monitor and evaluate the implementation of the transition and provide progress reports during the transition, at least quarterly, to the Joint Legislative Oversight Committee on the Eastern State Hospital Transition and the Governor.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-101.5 of Title 43A, unless there is created a duplication in numbering, reads as follows:

A. There is hereby established until June 30, 2001, the Joint Legislative Oversight Committee on the Eastern State Hospital Transition. The Committee shall be composed of the following members:

1. Three members of the Senate as appointed by the President Pro Tempore of the Senate; and

2. Three members of the House of Representatives as appointed by the Speaker of the House of Representatives.

A majority vote of the members appointed by each appointing authority shall be required for any action.

B. The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each appoint a co-chair for the Joint Committee. Original appointments to the Joint Legislative Oversight Committee shall be made on or before July 15, 1999.

Members shall serve at the pleasure of the appointing authority. A vacancy on the Committee shall be filled by the original appointing authority.

C. The co-chairs of the Committee shall convene a meeting within thirty (30) days after the receipt of the transition plan from the Department of Mental Health and Substance Abuse Services and the Transition Oversight Panel for Deinstitutionalization of Eastern State Hospital. The co-chairs shall call other meetings at the co-chairs' discretion.

D. The Committee shall:

1. Review the plan and progress reports presented by the Department of Mental Health and Substance Abuse Services and the Transition Oversight Panel for the Deinstitutionalization of Eastern State Hospital and make program and funding recommendations to the full Legislature for the fiscal year ending June 30, 2001;

2. Monitor the implementation of the transition of clients from Eastern State Hospital to community-based services; and

3. Perform other duties related to the planning and actual transitioning of clients from Eastern State Hospital, as deemed appropriate by the Committee.

E. Members of the Committee shall be reimbursed by their appointing authorities for necessary travel expenses incurred in the performance of their duties in accordance with Section 456 of Title 74 of the Oklahoma Statutes.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-301.6 of Title 43A, unless there is created a duplication in numbering, reads as follows:

After the submission of the transition plan and timetable and before implementation of the transition, the Department of Mental Health and Substance Abuse Services shall hold at least one public hearing to discuss the transition plan.

SECTION 7. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

On and after July 1, 1999, the Department of Mental Health and Substance Abuse Services is authorized to expend funds appropriated in Section 81 of Enrolled Senate Bill No. 161 of the 1st Session of the 47th Oklahoma Legislature for the support of Eastern State Hospital, existing community-based mental health services contracts in the Eastern State Hospital service area, and expanded community-based mental health services contracts in the Eastern State Hospital service area.

SECTION 8. Section 7 of this act shall become effective July 1, 1999.

SECTION 9. 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.

Passed the Senate the 19th day of May, 1999.

President of the Senate

Passed the House of Representatives the 20th day of May, 1999.

Speaker of the House of Representatives