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THE STATE SENATE
Tuesday, April 3, 2001

Committee Substitute for
ENGROSSED
House Bill No. 1107

COMMITTEE SUBSTITUTE FOR ENGROSSED HOUSE BILL NO. 1107 - By: GILBERT
of the House and CAIN of the Senate.

An Act relating to mental health; amending 43A O.S. 1991, Sections 1-102 and 1-103, as amended by Section 1, Chapter 389, O.S.L. 1992 (43A O.S. Supp. 2000, Section 1-103), which relate to purposes and definitions of the Mental Health Law; adding purposes; modifying definitions; amending 43A O.S. 1991, Section 2-103, as amended by Section 1, Chapter 414, O.S.L. 1999 (43A O.S. Supp. 2000, Section 2-103), which relates to the Board of Mental Health and Substance Abuse Services; modifying certain duties; amending 43A O.S. 1991, Section 2-202, as last amended by Section 2, Chapter 414, O.S.L. 1999 (43A O.S. Supp. 2000, Section 2-202), which relates to the Commissioner of Mental Health and Substance Abuse Services; modifying certain duties; amending 43A O.S. 1991, Section 3-107, as amended by Section 3, Chapter 323, O.S.L. 1993 (43A O.S. Supp. 2000, Section 3-107), which relates to alcohol and drug treatment centers; adding certain facility to list; amending 43A O.S. 1991, Sections 3-302, as amended by Section 7, Chapter 231, O.S.L. 1995, 3-306, as amended by Section 2, Chapter 348, O.S.L. 1992, 3-310 and Section 50, Chapter 354, O.S.L. 1996 (43A O.S. Supp. 2000, Sections 3-302, 3-306 and 3-317), which relate to the Unified Community Mental Health Services Act; modifying definitions; establishing application fee; eliminating certain requirements regarding contracts with private nonprofit agencies; amending 43A O.S. 1991, Section 3-403, which relates to the Oklahoma Alcohol and Drug Abuse Services Act; eliminating definitions; authorizing Department of Mental Health and Substance Abuse Services to certify certain programs; authorizing fee for certification; amending 43A O.S. 1991, Section 3-502, as amended by Section 17, Chapter 246, O.S.L. 1998 (43A O.S. Supp. 2000, Section 3-502), which relates to the Oklahoma Comprehensive Mental Health Services for the Deaf and Hard-of-Hearing Act;

1 eliminating certain qualifications for director of program;
2 amending 43A O.S. 1991, Section 3-602, as amended by Section
3 53, Chapter 354, O.S.L. 1996 (43A O.S. Supp. 2000, Section
4 3-602), which relates to the methadone treatment programs;
5 eliminating certain program requirements; amending 43A O.S.
6 1991, Section 3-702, which relates to inmates in
7 correctional facilities; requiring penal institution to bear
8 certain costs; amending 43A O.S. 1991, Section 5-309, which
9 relates to the Mental Hospital Voluntary Admission
10 Procedures Act; modifying detention periods under certain
11 circumstances; amending 43A O.S. 1991, Section 7-101, which
12 relates to discharge and release of patients; modifying
13 rulemaking authority; repealing 43A O.S. 1991, Sections 2-
14 204, 2-208, 2-209, 2-210, 2-211, 2-212, 2-215 and 2-216,
15 which relate to officers and employees of the Department of
16 Mental Health and Substance Abuse Services; repealing 43A
17 O.S. 1991, Section 3-308, which relates to the schedule of
18 services; repealing 43A O.S. 1991, Sections 3-418, 3-419, 3-
19 420 and 3-421, which relate to the Oklahoma Alcohol and Drug
20 Abuse Services Act; providing for codification; and
21 providing an effective date.

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

23 SECTION 1. AMENDATORY 43A O.S. 1991, Section 1-102, is
24 amended to read as follows:

25 Section 1-102. The purpose of the Mental Health Law is to
26 provide for the humane care and treatment of persons who are
27 mentally ill or who require treatment for drug or alcohol abuse, or
28 who require domestic violence or sexual assault services. All such
29 residents of this state are entitled to ~~medical~~ care and treatment
30 in accordance with the highest standards accepted in ~~medical~~
31 practice.

1 SECTION 2. AMENDATORY 43A O.S. 1991, Section 1-103, as
2 amended by Section 1, Chapter 389, O.S.L. 1992 (43A O.S. Supp. 2000,
3 Section 1-103), is amended to read as follows:

4 Section 1-103. When used in this title, unless otherwise
5 expressly stated, or unless the context or subject matter otherwise
6 requires:

7 1. "Department" means the Department of Mental Health and
8 Substance Abuse Services;

9 2. "~~Chairman~~" "Chair" means ~~chairman~~ the chair of the Board of
10 Mental Health and Substance Abuse Services;

11 3. "Mentally ill person" means any person afflicted with a
12 substantial disorder of thought, mood, perception, psychological
13 orientation or memory that significantly impairs judgment, behavior,
14 capacity to recognize reality or ability to meet the ordinary
15 demands of life;

16 4. "Board" means the "Board of Mental Health and Substance
17 Abuse Services" as established by this law;

18 5. "Commissioner" means the individual selected and appointed
19 by the Board to serve as Commissioner of Mental Health and Substance
20 Abuse Services;

21 6. "Indigent person" means a person who has not sufficient
22 assets or resources to support ~~himself~~ the person while mentally ill

1 and to support members of ~~his~~ the family of the person lawfully
2 dependent on ~~him~~ the person for support;

3 7. "Facility" means any hospital, school, building, house or
4 retreat, authorized by law to have the care, treatment or custody of
5 the mentally ill or drug-dependent or alcohol-dependent persons
6 including, but not limited to, public or private hospitals,
7 community mental health centers, clinics, satellites or
8 institutions; provided that facility shall not mean a child guidance
9 center operated by the State Department of Health;

10 8. "Patient" means a person under care or treatment in a
11 facility pursuant to this act, Section 1-101 et seq. of this title,
12 or in an outpatient status;

13 9. "Care and treatment" means medical care, ~~surgical~~
14 ~~attendance, nursing and medications~~ and behavioral health services,
15 as well as food, clothing and maintenance, furnished a patient;

16 10. Whenever in this law, or in any other law, or in any rule,
17 order or regulation, made or promulgated pursuant to this law, or to
18 any other law, or in the printed forms prepared for the admission of
19 patients or for statistical reports, the words "insane", "insanity",
20 "lunacy", "mentally sick", "mental disease" or "mental disorder", or
21 any of them, are used, they shall have equal significance to the
22 words "mentally ill";

1 11. ~~Whenever in this law, or in any other law, or in any rule,~~
2 ~~order or regulation, made or promulgated pursuant to this act, or~~
3 ~~any other law, or in the printed forms prepared for the admission of~~
4 ~~patients or for statistical reports, the terms "certification" of a~~
5 ~~person, a person "certified" or to "certify" a person by a court of~~
6 ~~competent jurisdiction to a facility as provided by this act shall~~
7 ~~have equal significance to the terms "commitment" of a person, a~~
8 ~~person "committed" or to "commit" a person;~~

9 12. "Qualified examiner" means any doctor of medicine, clinical
10 psychologist or osteopathic physician who is duly licensed to
11 practice his profession by the State Board of Medical Licensure and
12 Supervision, the State Board of Examiners of Psychologists or the
13 Oklahoma Board of Osteopathic Examiners and who is not related by
14 blood or marriage to the person being examined or has any interest
15 in his estate except as modified under the provisions of this title;

16 ~~13.~~ 12. "Mentally incompetent person" means any person who has
17 been adjudicated mentally or legally incompetent by an appropriate
18 district court;

19 ~~14.~~ 13. "Person requiring treatment" means either:

- 20 a. a person who has a demonstrable mental illness or is a
21 drug- or alcohol-dependent person and who as a result
22 of that mental illness or dependency can be expected
23 within the near future to intentionally or

1 unintentionally seriously and physically injure
2 ~~himself~~ self or another person and who has engaged in
3 one or more recent overt acts or made significant
4 recent threats that substantially support that
5 expectation, or
6 b. a person who has a demonstrable mental illness or is a
7 drug- or alcohol-dependent person and who as a result
8 of that mental illness or dependency is unable to
9 attend to those of ~~his~~ the basic physical needs of the
10 person such as food, clothing or shelter that must be
11 attended to in order for ~~him~~ the person to avoid
12 serious harm in the near future and who has
13 demonstrated such inability by failing to attend to
14 those basic physical needs in the recent past, or
15 c. a person who appears to require inpatient treatment:
16 (1) (a) for a previously diagnosed history of
17 schizophrenia, bipolar disorder, or major
18 depression with suicidal intent, or
19 (b) due to the appearance of symptoms of
20 schizophrenia, bipolar disorder, or major
21 depression with suicidal intent, and

1 (2) for whom such treatment is reasonably believed to
2 prevent progressively more debilitating mental
3 impairment.

4 Person requiring treatment shall not mean a person whose mental
5 processes have simply been weakened or impaired by reason of
6 advanced years, a mentally deficient person as defined in Title 10
7 of the Oklahoma Statutes, or a person with epilepsy, unless the
8 person also meets the criteria set forth in this paragraph.
9 However, the person may be hospitalized under the voluntary
10 admission provisions of this act if he is deemed clinically suitable
11 and a fit subject for care and treatment by the person in charge of
12 the facility;

13 ~~15.~~ 14. "Petitioner" means a person who files a petition
14 alleging that an individual is a person requiring treatment;

15 ~~16.~~ ~~"Person in charge of the facility"~~ 15. "Executive
16 director" means the person in charge of ~~any hospital, school,~~
17 ~~building, house or retreat, authorized by law to have the care,~~
18 ~~treatment or custody of the mentally ill including, but not limited~~
19 ~~to, public or private hospitals, community mental health centers,~~
20 ~~clinics, satellites or institutions; provided that person in charge~~
21 ~~of the facility shall not mean persons in charge of child guidance~~
22 ~~centers operated by the Department of Health~~ a facility as defined
23 in this section;

1 ~~17.~~ 16. "Private hospital or institution" means any general
2 hospital maintaining a neuro-psychiatric unit or ward, or any
3 private hospital or sanitarium for care and treatment of mentally
4 ill persons, which is not supported by state or federal government,
5 except that the term shall include the Oklahoma Memorial Hospital
6 Neuro-psychiatric Unit. The term shall not include nursing homes or
7 other facilities maintained primarily for the care of aged and
8 infirm persons; and

9 ~~18.~~ 17. "Individualized treatment plan" means a proposal
10 developed during a patient's stay in a facility, under the
11 provisions of this title, which is specifically tailored to the
12 individual patient's treatment needs. Each plan shall clearly
13 include the following:

- 14 a. a statement of treatment goals or objectives, based
15 upon and related to a clinical evaluation, which can
16 be reasonably achieved within a designated time
17 interval,
- 18 b. treatment methods and procedures to be used to obtain
19 these goals, which methods and procedures are related
20 to each of these goals and which include specific
21 prognosis for achieving each of these goals,
- 22 c. identification of the types of professional personnel
23 who will carry out the treatment procedures, including

1 appropriate medical or other professional involvement
2 by a physician or other health professional properly
3 qualified to fulfill legal requirements mandated under
4 state and federal law,
5 d. documentation of patient involvement and, if
6 applicable, the patient's accordance with the
7 treatment plan, and
8 e. a statement attesting that the person in charge of the
9 facility or clinical director has made a reasonable
10 effort to meet the plan's individualized treatment
11 goals in the least restrictive environment possible
12 closest to the patient's home community.

13 SECTION 3. AMENDATORY 43A O.S. 1991, Section 2-103, as
14 amended by Section 1, Chapter 414, O.S.L. 1999 (43A O.S. Supp. 2000,
15 Section 2-103), is amended to read as follows:

16 Section 2-103. A. The Board of Mental Health and Substance
17 Abuse Services shall be composed of eleven (11) members, appointed
18 by the Governor with the advice and consent of the Senate.
19 Immediately after June 3, 1953, one member shall be appointed for a
20 term expiring December 31, 1953, and one each for terms ending
21 respectively one (1), two (2), three (3), four (4), five (5) and six
22 (6) years thereafter. Upon the expiration of any of the terms a
23 successor shall be appointed for a full term of seven (7) years.

1 1. One member, who shall be a physician licensed to practice in
2 this state, and one member, who shall be a psychiatrist certified as
3 a diplomat of the American Board of Psychiatry and Neurology, shall
4 both be appointed from a list containing the names of not less than
5 three physicians and not less than three psychiatrists submitted to
6 the Governor by the Oklahoma State Medical Association;

7 2. One member shall be an attorney licensed to practice in this
8 state and shall be appointed from a list of not less than three
9 names submitted to the Governor by the Oklahoma Bar Association;

10 3. One member shall be a psychologist, licensed to practice in
11 this state, who shall be appointed from a list of not less than
12 three names submitted to the Governor by the Oklahoma State
13 Psychological Association;

14 4. Three members, qualified by education and experience in the
15 area of substance abuse recovery, shall be appointed from a list of
16 not less than ten names submitted to the Governor by a state
17 association of substance abuse recovery programs or organizations;
18 and

19 5. One member, qualified by experience in the area of treating
20 domestic violence or sexual assault, shall be appointed from a list
21 of not less than three names submitted to the Governor by a state
22 association of domestic violence and sexual assault programs or
23 organizations.

1 B. 1. ~~The four~~ Four members appointed pursuant to the
2 ~~provisions of this act~~ shall be appointed as follows:

3 a. ~~the~~ a member qualified by experience in the area of
4 treating domestic violence or sexual assault shall be
5 appointed for a term ending December 31, 2000, and

6 b. ~~the~~ three members qualified by education and experience
7 in the area of substance abuse recovery shall be
8 appointed for terms ending on December 31, 2002,
9 December 31, 2004, and December 31, 2006, respectively.

10 2. Upon expiration of the initial terms of each of the four
11 members ~~appointed pursuant to the provisions of this act,~~ a
12 successor shall be appointed for a full term of seven (7) years.

13 C. No person shall be appointed a member of the Board who has
14 been a member of the Legislature of this state within the preceding
15 five (5) years.

16 D. The Board shall elect from among its members a chair and a
17 vice-chair. The chair may call meetings at any time.

18 E. All regularly scheduled meetings of the Board shall be held
19 at the Central Office of the Department of Mental Health and
20 Substance Abuse Services, Oklahoma City, Oklahoma, unless otherwise
21 scheduled. ~~The Board, not in conjunction with a regularly scheduled~~
22 ~~meeting, or its designee, shall visit each facility once during each~~
23 ~~fiscal year with a report on the status of each facility given to~~

1 ~~the full Board after such visit.~~ Six members shall constitute a
2 quorum at any meeting, and all action may be taken by an affirmative
3 vote of the majority of the members present at any such meeting.

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

7 G. The duties of the Board shall pertain to the care,
8 treatment, and hospitalization of persons with mental illness,
9 alcohol- or drug-dependent persons, and victims of domestic violence
10 or sexual assault.

11 H. Members of the Board of Mental Health and Substance Abuse
12 Services shall be allowed their necessary travel expenses pursuant
13 to the provisions of the State Travel Reimbursement Act.

14 SECTION 4. AMENDATORY 43A O.S. 1991, Section 2-202, as
15 last amended by Section 2, Chapter 414, O.S.L. 1999 (43A O.S. Supp.
16 2000, Section 2-202), is amended to read as follows:

17 Section 2-202. Except as herein provided, the Commissioner of
18 Mental Health and Substance Abuse Services shall have charge of the
19 administration of the Department of Mental Health and Substance
20 Abuse Services as directed by the Board of Mental Health and
21 Substance Abuse Services and shall be charged with the duty of
22 carrying out the provisions of the Mental Health Law. ~~The~~
23 ~~Commissioner shall appoint a business administrator for the~~

1 ~~Department with the approval of the Board.~~ The Commissioner may
2 appoint necessary personnel to carry on the work of the Department,
3 prescribe their titles and duties, and fix their compensation. The
4 Commissioner may prescribe ~~rules~~ policies for the operation of the
5 Department. In addition, the Commissioner shall have the following
6 powers and duties:

7 1. ~~Counsel~~ To appoint, with the consent of the Board, an
8 executive director of each facility within the Department, and fix
9 the qualifications, duties and compensation of the executive
10 directors, and to counsel with the various ~~superintendents~~ executive
11 directors about ~~their institutional~~ facility needs and budget
12 requests and shall prepare and submit for appropriate legislative
13 action budget requests sufficient to carry on the functions of the
14 Department. These budget requests shall be submitted to the Board
15 for its recommendations before being submitted for legislative
16 action;

17 2. ~~Appoint the superintendents of the institutions within the~~
18 ~~Department with the consent of the Board. The Commissioner, with~~
19 ~~the consent of the Board, may remove a superintendent for cause;~~

20 3. ~~Develop~~ To develop, institute, and administer such
21 administrative and professional policies as may be necessary to
22 guarantee effective, efficient and uniform operation of the
23 Department and its ~~institutions~~ facilities;

- 1 ~~(2)~~ b. to ensure compliance with medical and administrative
2 policies and procedures established by the Department,
3 ~~(3)~~ c. to modify and revise existing operating procedure to
4 improve operational effectiveness,
5 ~~(4)~~ d. to institute new policies and procedures to effect
6 improvement and economy of overall operation, and
7 ~~(5)~~ e. to coordinate the activities of each ~~institution~~
8 facility with the overall operation of the Department.

9 ~~b.~~ ~~Following each official visit, the Commissioner shall~~
10 ~~make a report of the Commissioner's findings and~~
11 ~~recommendations, and submit such findings and~~
12 ~~recommendations to the Board;~~

13 ~~8. Authorize~~ 7. To authorize other members of the Department
14 to visit the ~~institutions~~ facilities in the Department. Such
15 persons shall have the same power to inspect the ~~institution~~
16 facility and its records and to interview personnel and patients as
17 the Commissioner;

18 ~~9. Designate, with the consent of the Board, which~~

19 8. To designate the type of patient ~~shall~~ that will be cared
20 for at each ~~institution or community mental health center~~ facility
21 and designate hospital or community mental health center districts
22 for the purpose of determining to which of the ~~institutions~~
23 facilities within the Department or community mental health centers

1 persons committed from each county shall initially be sent. These
2 designations may be changed from time to time. Patients may be
3 transferred from one ~~institution~~ facility to another within the
4 Department on the authority of the Commissioner as provided for in
5 the Mental Health Law. Permanent transfer of a patient may be made
6 when it is apparent that the patient's general welfare, care, and
7 treatment can be more effectively provided at another ~~institution~~
8 facility, provided the parents or guardian are notified as soon as
9 possible of the transfer. Temporary transfer of a patient may be
10 made in order that a patient may have the advantage of special
11 services not available at the ~~institution~~ facility of such patient's
12 present residence. Requests for transfer shall be initiated by the
13 ~~superintendent~~ executive director of the ~~institution~~ facility in
14 which the patient resides. Sufficient supporting information from
15 the patient's records shall be submitted by the ~~superintendent~~
16 executive director to the Commissioner to warrant a decision as to
17 the advisability of the transfer;

18 ~~10.— Call~~ 9. To call meetings of the ~~superintendents~~ executive
19 directors of the ~~institutions~~ facilities in the Department, and act
20 as chair of such meetings, to discuss common problems in order to
21 obtain uniformity and bring about coordination of the ~~institutions~~
22 facilities for the maximum service to the state. Such called
23 meetings may or may not be held jointly with the Board;

1 ~~11. Act as~~ 10. To be the chair of a Board of Psychiatric
2 Examiners to review the case of any patient, and to examine any
3 patient when the ~~superintendent~~ executive director of any
4 ~~institution~~ facility concludes that a patient within such
5 ~~institution~~ facility is subject to discharge but such ~~superintendent~~
6 executive director is unwilling to discharge the patient as provided
7 in the Mental Health Law. The Board of Psychiatric Examiners shall
8 be composed of the Commissioner and two members selected by the
9 Board. Such members shall be selected from persons who are
10 qualified examiners according to the Mental Health Law. The
11 Commissioner may designate a third qualified examiner to act as
12 chair when circumstances warrant and when the Commissioner deems it
13 necessary;

14 ~~12. Keep~~ 11. To keep a list of all nonresidents admitted to ~~an~~
15 ~~institution~~ a facility within the Department and to make every
16 effort possible to make arrangements with other states so that
17 mentally ill persons who are being cared for at public expense in
18 any ~~institution~~ facility in this state and who are citizens or
19 residents of such other states may be transferred at the expense of
20 this state to similar ~~institutions~~ facilities in such other states.
21 The Commissioner shall not prevail upon relatives or friends of such
22 mentally ill person or any other person to defray such expenses.
23 Mentally ill persons who are being cared for at public expense in

1 hospitals for mentally ill or ~~institutions~~ facilities of other
2 states, other than persons who have been transferred from penal
3 institutions and the terms of whose sentences to such penal
4 institutions shall not have expired, and who are citizens or
5 residents of this state, may be transferred at the expense of such
6 other states to similar ~~institutions~~ facilities in this state.
7 Removal of a nonresident to the nonresident's state may be
8 authorized by the Commissioner and all expenses of such transfer
9 shall be taken from the Travel Fund of the ~~institution~~ facility if
10 the transfer is to be at public expense. Patients returned to this
11 state pursuant to these provisions shall be delivered directly to
12 the hospital designated by the Commissioner and shall be admitted in
13 accordance with these provisions;

14 ~~13. Compile and keep a central registration of names and~~
15 ~~addresses, and names of nearest relatives of all residents of mental~~
16 ~~institutions. Such record and the documents from which it is~~
17 ~~compiled shall be confidential and the information contained therein~~
18 ~~shall not be disclosed to any person except to the State~~
19 ~~Commissioner of Health and the Department of Human Services. Upon~~
20 ~~request, such record or documents shall be available to authorized~~
21 ~~representatives of the federal government;~~

22 ~~14. Prescribe~~ 12. To prescribe the official forms of any and
23 all papers not specifically described in the Mental Health Law

1 including those to be used in ordering a person to ~~an institution~~ a
2 facility within the Department, except that when a person is ordered
3 to ~~an institution~~ a facility by a court, the order to hospitalize or
4 admit such person may be on such form as the court deems proper;

5 ~~15. Utilize~~ 13. To utilize the services of employees of the
6 Department of Central Services, the State Department of Health, and
7 the Department of Human Services when authorized by the chair or
8 commissioner thereof. When employees of those agencies are used,
9 the Commissioner of Mental Health and Substance Abuse Services may
10 authorize payment of their traveling expenses as provided by law;

11 ~~16. Have power to~~ 14. To make contracts and agreements with
12 other departments of this state to carry out these provisions;

13 ~~17. Make~~ 15. To make a written report annually to the Governor
14 concerning the administration of the Department and submit copies
15 thereof to members of the Legislature. Such report shall be
16 presented one (1) month prior to the convening of any regular
17 session of the Legislature and shall include:

- 18 a. specific information regarding the number of patients
19 admitted, treated, and discharged,
20 b. the methods of treatment used and an appraisal of the
21 success thereof,
22 c. the financial condition and needs of each ~~institution~~
23 facility in the Department,

- 1 d. any long-range plans or recommendations for the
2 utilization and improvement of facilities, equipment,
3 and personnel and for the care and treatment of
4 patients,
5 e. any recommendations requiring legislation, and
6 f. major findings, in summarized form, obtained by visits
7 made pursuant to the provisions of paragraph 7 6 of
8 this section;

9 ~~18. Have power to~~ 16. To designate as peace officers qualified
10 personnel in the fire and safety officer, security officer and
11 correctional officer job classifications. The authority of
12 employees so designated shall be limited to maintaining custody of
13 patients in mental health facilities, maintaining security or
14 performing functions similar to those performed by correctional
15 officers or other security personnel for Department of Corrections
16 inmates housed in mental health facilities, preventing attempted
17 escapes, and pursuing and returning court committed patients and
18 Department of Corrections inmates who have escaped from Department
19 of Mental Health and Substance Abuse Services facilities. The
20 powers and duties of such peace officers may be exercised for the
21 purpose of maintaining custody of any patient being transported
22 within the state and outside the State of Oklahoma pursuant to the
23 authority of the Interstate Compact on Mental Health. To become

1 qualified for designation as a peace officer pursuant to this
2 section, an employee shall meet the training and screening
3 requirements of the Department of Corrections pursuant to
4 subparagraphs a through g of paragraph 2 of subsection A of Section
5 510 of Title 57 of the Oklahoma Statutes and be of good moral
6 character; and

7 ~~19. Exercise any~~ 17. Any other power necessary to implement
8 the provisions of the Mental Health Law.

9 SECTION 5. AMENDATORY 43A O.S. 1991, Section 3-107, as
10 amended by Section 3, Chapter 323, O.S.L. 1993 (43A O.S. Supp. 2000,
11 Section 3-107), is amended to read as follows:

12 Section 3-107. A. There are hereby created and designated as
13 facilities within the Department of Mental Health and Substance
14 Abuse Services, the Norman Alcohol and Drug Treatment Center at
15 Norman ~~and~~, the Vinita Alcohol and Drug Treatment Center at Vinita,
16 and the Tulsa Women's Center at Tulsa. ~~Said~~ The facilities shall be
17 operated under the supervision and administration of the
18 Commissioner of Mental Health and Substance Abuse Services. It is
19 the intent of the Legislature that the centers in Norman and Vinita
20 utilize and receive business management, support services and
21 medical ancillary services of the respective state hospital where
22 the center is located.

1 B. There are hereby created separate petty cash funds for the
2 Alcohol and Drug Treatment Centers at Norman ~~and~~, Vinita, and Tulsa.
3 The Director of State Finance and Commissioner of Mental Health and
4 Substance Abuse Services are authorized to fix the maximum amount of
5 each petty cash fund and the Director of State Finance shall
6 prescribe the rules and procedures for the administration of each
7 petty cash fund.

8 C. The Department of Mental Health and Substance Abuse Services
9 is authorized to effect the transfer of property, records,
10 equipment, supplies, funds, and encumbrances from Griffin Memorial
11 Hospital to or from the Norman Alcohol and Drug Treatment Center;
12 and to effect the transfer of property, records, equipment,
13 supplies, funds, and encumbrances from Eastern State Hospital to or
14 from the Vinita Alcohol and Drug Treatment Center and Tulsa Women's
15 Treatment Center.

16 SECTION 6. AMENDATORY 43A O.S. 1991, Section 3-302, as
17 amended by Section 7, Chapter 231, O.S.L. 1995 (43A O.S. Supp. 2000,
18 Section 3-302), is amended to read as follows:

19 Section 3-302. As used in the Unified Community Mental Health
20 Services Act:

21 1. "Catchment area or service area" means a geographic area
22 established by the Department of Mental Health and Substance Abuse
23 Services for support of mental health and substance abuse services;

1 2. "Community mental health services", in conformance with
2 federal requirements, means services for the treatment of
3 alcoholism, drug addiction or abuse, and mental illness, and the
4 prevention, diagnosis, or rehabilitation of such persons;

5 3. ~~"Board" means the Alcohol, Drug Abuse and Community Mental~~
6 ~~Health Planning and Coordination Board;~~

7 4. "Mental health facility" means:

- 8 a. a comprehensive community mental health center
9 offering services including, but not limited to, the
10 following basic services: Inpatient, outpatient,
11 partial hospitalization, emergency care, and
12 consultation and education; and offering the following
13 services at the option of the center: Prescreening
14 services, rehabilitation services, precare and
15 aftercare services, training programs, and research
16 and evaluation programs,
- 17 b. an outpatient facility offering diagnostic and
18 treatment services,
- 19 c. a day care facility offering a treatment program for
20 children or adults suffering from mental or emotional
21 problems, or
- 22 d. community residential mental health programs and
23 facilities which provide supervised residential care,

1 counseling, case management or other similar services
2 to children or adults suffering from mental or
3 emotional problems;

4 ~~5.~~ 4. "Domestic violence program" or "sexual assault program"
5 means a facility, agency or organization which offers or provides or
6 a person who engages in the offering of shelter, residential
7 services or support services to:

8 a. victims or survivors of domestic abuse as defined in
9 Section 60.1 of Title 22 of the Oklahoma Statutes, any
10 dependent children of said victims or survivors and
11 any other member of the family or household of such
12 victim or survivor,

13 b. victims or survivors of sexual assault, and

14 c. persons who are homeless as a result of domestic or
15 sexual violence or both domestic and sexual violence,
16 and which may provide other services, including, but not limited to,
17 counseling, case management, referrals or other similar services to
18 victims or survivors of domestic abuse or sexual assault; and

19 ~~6.~~ 5. "Day treatment program" means nonresidential, partial
20 hospitalization programs, day treatment programs, and day hospital
21 programs ~~as defined by subsection A of Section 1 of this act.~~

1 SECTION 7. AMENDATORY 43A O.S. 1991, Section 3-306, as
2 amended by Section 2, Chapter 348, O.S.L. 1992 (43A O.S. Supp. 2000,
3 Section 3-306), is amended to read as follows:

4 Section 3-306. The Board of Mental Health and Substance Abuse
5 Services shall have the following responsibilities and authority:

6 1. To promulgate and enforce policies ~~and regulations~~ to assure
7 statewide conformance with standards of care and operation and
8 promulgate rules ~~and regulations~~ governing eligibility of public
9 agencies or mental health facilities to contract with the Department
10 of Mental Health and Substance Abuse Services; prescribe standards
11 for qualifications or personnel and quality of professional
12 services; ensure eligibility for community mental health services so
13 that no person will be denied services on the basis of race, color
14 or creed or inability to pay; and promulgate such other rules ~~and~~
15 ~~regulations~~ as may be necessary to carry out the provisions of the
16 Unified Community Mental Health Services Act, Section 3-301 et seq.
17 of this title;

18 2. To provide technical assistance to community mental health
19 facilities and boards;

20 3. To provide clinical, fiscal and management audit of services
21 and facilities;

22 4. To approve and compile catchment area plans and budget
23 requests into a statewide mental health plan and budget for

1 submission to the Governor, Legislature and federal funding sources
2 as appropriate;

3 5. To provide funding to each Community Mental Health Board
4 within available funds for the performance of its duties prescribed
5 herein;

6 6. To review and evaluate local programs for community mental
7 health services and the performance of administrative and
8 professional personnel in municipalities having Community Mental
9 Health Boards and make recommendations to Community Mental Health
10 Boards;

11 7. To certify community mental health centers for a period of
12 three (3) years subject to renewal as provided in the rule
13 promulgated by the Board; ~~and~~

14 8. To assist mental health facilities in the recruitment of
15 qualified personnel and in conducting in-service training programs;
16 and

17 9. To help promulgate such rules as may be necessary to
18 establish an application fee of no more than One Hundred Fifty
19 Dollars (\$150.00) to help defray the cost of certification granted
20 pursuant to the Unified Community Mental Health Services Act.

21 SECTION 8. AMENDATORY 43A O.S. 1991, Section 3-310, is
22 amended to read as follows:

1 Section 3-310. Any nonprofit private agency providing services
2 pursuant to a contract or subcontract with the Department of Mental
3 Health and Substance Abuse Services, the Board of Mental Health and
4 Substance Abuse Services or any facility of the Department of Mental
5 Health and Substance Abuse Services and receiving funds disbursed
6 thereof shall submit information on operating budgets and employee
7 salaries and benefits to the Department of Mental Health and
8 Substance Abuse Services. ~~Prior to finalizing any contracts with~~
9 ~~such private nonprofit agency, the Department of Mental Health and~~
10 ~~Substance Abuse Services shall develop maximum salary and budget~~
11 ~~criteria for such private nonprofit agencies which shall be~~
12 ~~commensurate with state employee salary, benefit, budget and~~
13 ~~accounting standards.~~

14 SECTION 9. AMENDATORY Section 50, Chapter 354, O.S.L.
15 1996 (43A O.S. Supp. 2000, Section 3-317), is amended to read as
16 follows:

17 Section 3-317. A. The ~~Department~~ Board of Mental Health and
18 Substance Abuse Services shall certify community-based structured
19 crisis centers for the provision of nonhospital emergency services
20 for mental health and substance abuse crisis intervention. The
21 ~~Department~~ Board shall promulgate rules for the certification of
22 community-based structured crisis centers.

1 B. No community based structured crisis center shall operate or
2 continue to operate unless the facility complies with the rules
3 promulgated by the ~~Department~~ Board and is certified by the
4 ~~Department~~ Board as required by this section.

5 C. For the purposes of this section, "community-based
6 structured crisis center" means any certified community mental
7 health center or facility operated by the Department which is
8 established and maintained for the purpose of providing community-
9 based mental health and substance abuse crisis ~~intervention~~
10 stabilization services including, but not limited to, observation,
11 evaluation, emergency treatment and referral, when necessary, for
12 inpatient psychiatric or substance abuse treatment services.

13 SECTION 10. AMENDATORY 43A O.S. 1991, Section 3-403, is
14 amended to read as follows:

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

17 1. "Approved treatment facility" means any facility which
18 offers either inpatient, intermediate or outpatient treatment to any
19 person suffering from alcohol or drug abuse, or alcohol- or
20 drug-related problems and which is certified by the Alcohol
21 Prevention, Training, Treatment and Rehabilitation Authority and
22 which has been licensed by the State Department of Health pursuant

1 to the provisions of the Oklahoma Alcohol and Drug Abuse Services
2 Act;

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

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

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

18 5. "Council" means the ~~Alcoholism~~ Advisory Council on Alcohol
19 and Drug Abuse ~~Advisory Council~~;

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

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

4 8. "Medical detoxification" means diagnostic and treatment
5 services performed by licensed facilities for acute alcohol
6 intoxication, delirium tremens and physical and neurological
7 complications resulting from acute intoxication. Medical
8 detoxification includes the services of a physician and attendant
9 medical personnel including nurses, interns and emergency room
10 personnel, the administration of a medical examination and a medical
11 history, the use of an emergency room and emergency medical
12 equipment if warranted, a general diet of three meals each day, the
13 administration of appropriate laboratory tests, and supervision by
14 properly trained personnel until the person is no longer medically
15 incapacitated by the effects of alcohol;

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

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

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

11 12. "Transitional living facility" and "halfway house" means an
12 approved treatment facility which offers or provides temporary
13 residential accommodations, meals, supervision at all times
14 residents are in the facility or on facility premises, and services,
15 including counseling, short-term supportive care, case management,
16 mental health services or treatment services to residents pursuant
17 to a contract with the Department of Mental Health and Substance
18 Abuse Services. A transitional living facility shall provide
19 services to not more than twelve ~~(12)~~ residents;

20 13. "Short-term supportive care" means a service rendered to
21 any person residing in a halfway house or transitional living
22 facility which is sufficient to assist the person to meet or achieve
23 an adequate level of daily living and to learn or develop adequate

1 daily living skills. Daily living skills shall include but not be
2 limited to resident participation in meal preparation and routine
3 housekeeping and laundry tasks. Short-term supportive assistance
4 includes, but is not limited to assistance in the preparation of
5 meals, housekeeping, laundry tasks and personal hygiene. Short-term
6 supportive assistance shall not include medical services or personal
7 care as defined in Section 1-820 of Title 63 of the Oklahoma
8 Statutes; and

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

15 SECTION 11. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 3-460 of Title 43A, unless there
17 is created a duplication in numbering, reads as follows:

18 A. The Department of Mental Health and Substance Abuse Services
19 shall certify assessment agencies, agency assessment personnel, and
20 qualified practitioners for the purpose of conducting alcohol and
21 drug assessment and evaluation programs related to driver license
22 revocation.

23 B. Application fees for certification of agency assessment

1 personnel and qualified practitioners shall be set by the Department
2 to defray the costs of administering the program and shall be:

3 1. Not less than One Hundred Dollars (\$100.00) and not more
4 than Two Hundred Dollars (\$200.00) upon initial application; and

5 2. Not less than Twenty-five dollars (\$25.00) and not more than
6 Fifty Dollars (\$50.00) upon annual renewal.

7 SECTION 12. AMENDATORY 43A O.S. 1991, Section 3-502, as
8 amended by Section 17, Chapter 246, O.S.L. 1998 (43A O.S. Supp.
9 2000, Section 3-502), is amended to read as follows:

10 Section 3-502. A. The Commissioner of Mental Health and
11 Substance Abuse Services shall establish a program to provide
12 comprehensive inpatient and outpatient mental health care and
13 treatment for deaf and hard-of-hearing individuals, and their
14 families who need such services. For purposes of the Oklahoma
15 Comprehensive Mental Health Services for the Deaf and Hard-of-
16 Hearing Act, the term "individuals" shall include adults and
17 children.

18 ~~B. A director for the program shall be appointed by the~~
19 ~~Commissioner of Mental Health and Substance Abuse Services. Such~~
20 ~~appointment shall be made after consultation with the advisory~~
21 ~~Committee established pursuant to Section 3-503 of this title and~~
22 ~~with the advice and approval of the Board of Mental Health and~~
23 ~~Substance Abuse Services.~~

1 ~~1. The Director shall be a trained professional from the field~~
2 ~~of deafness or a psychiatrist, physician, licensed clinical~~
3 ~~psychologist, licensed clinical social worker, psychiatric nurse who~~
4 ~~possesses professional training and expertise in the field of~~
5 ~~deafness or have other similar professional qualifications, shall~~
6 ~~have a minimum of three (3) years of clinical mental health,~~
7 ~~adequate administrative experience as determined by the~~
8 ~~Commissioner, and shall meet the qualifications for professional~~
9 ~~staff established pursuant to subsection D of this section.~~

10 ~~2. The Director shall prepare, in consultation with the~~
11 ~~advisory committee, a plan for the implementation of the Oklahoma~~
12 ~~Comprehensive Mental Health Services for the Deaf and Hard-of-~~
13 ~~Hearing Act.~~

14 ~~The Director shall be responsible for the administration and~~
15 ~~supervision of the program established pursuant to the provisions of~~
16 ~~subsection A of this section.~~

17 ~~C.~~ Such program shall include, but not be limited to, the
18 following:

19 1. Inpatient and outpatient treatment; ~~and~~

20 2. Evaluation, diagnostic, and information resource services
21 for mental health care for deaf and hard-of-hearing individuals and
22 their families; ~~and~~

1 3. Cooperation with state-supported community mental health
2 programs and other community mental health programs and services in
3 order to provide mental health care throughout the state for deaf
4 and hard-of-hearing individuals and their families; and

5 4. Services to aid deaf and hard-of-hearing individuals who are
6 committed to mental health facilities in making the transition from
7 inpatient care to independent existence outside of the facility. In
8 counties having a population of not less than two hundred fifty
9 thousand (250,000) according to the last preceding Federal Decennial
10 Census, the program shall include transitional living facilities as
11 well as outpatient transitional services provided through community
12 mental health centers.

13 ~~D.~~ C. The professional staff of the program shall:

14 1. Have experience in techniques of assessing the mental health
15 problems of deaf and hard-of-hearing individuals and their families
16 and in individual and group psychotherapy with deaf and hard-of-
17 hearing individuals and their families; ~~and~~

18 2. Have specialized training in the psychosocial aspects of
19 deafness and in therapeutic work with deaf and hard-of-hearing
20 individuals in mental health facilities; and

21 3. Be fluent in receptive and expressive manual communication
22 including, but not limited to, American Sign Language, or reach a

1 level of fluency in such communication acceptable to the Director of
2 the unit within one (1) year of being employed.

3 SECTION 13. AMENDATORY 43A O.S. 1991, Section 3-602, as
4 amended by Section 53, Chapter 354, O.S.L. 1996 (43A O.S. Supp.
5 2000, Section 3-602), is amended to read as follows:

6 Section 3-602. A. ~~Each narcotic treatment program shall have a~~
7 ~~case review team consisting of persons independent of the program to~~
8 ~~be appointed by the Commissioner of Mental Health and Substance~~
9 ~~Abuse Services~~ A course of treatment in a narcotic treatment program
10 may include, but shall not be limited to, short-term detoxification,
11 interim maintenance treatment or comprehensive maintenance treatment
12 depending on the availability of such services and the needs of the
13 individual.

14 B. ~~The team shall certify persons to a narcotic treatment after~~
15 ~~a full review of the person's record and recommendations as to a~~
16 ~~course of treatment, as defined by Chapter 1 of Title 21 of the Code~~
17 ~~of Federal Regulations, for each individual certified. A course of~~
18 ~~treatment may include but shall not be limited to short-term~~
19 ~~detoxification, interim maintenance treatment or comprehensive~~
20 ~~maintenance treatment depending on the availability of such services~~
21 ~~and the needs of the individual.~~

22 1. ~~Upon certification of a person to the program, the case~~
23 ~~review team shall approve a medical treatment plan for the person.~~

1 ~~The medical treatment plan shall not be altered without the approval~~
2 ~~of the case review team.~~

3 ~~2.~~ The Department of Mental Health and Substance Abuse Services
4 shall approve any drug to be used in a narcotic treatment program
5 and ~~set~~ the Board shall promulgate rules establishing guidelines for
6 the maximum daily dose, not to exceed limits set by Title 21 of the
7 Code of Federal Regulations. ~~The attending physician shall make~~
8 ~~specific recommendations for all persons receiving a dosage above~~
9 ~~the maximum approved daily dose and receive approval of the case~~
10 ~~review team.~~ Pregnancy tests for women shall be conducted upon
11 admission to the narcotic treatment program and at least annually
12 thereafter, unless otherwise indicated.

13 ~~3.~~ ~~The case review team shall review the progress of each~~
14 ~~client of the facility with the medical, nursing and counseling~~
15 ~~personnel familiar with the client not less than every thirty (30)~~
16 ~~days the client is in interim maintenance treatment, every ninety~~
17 ~~(90) days the client is in long-term detoxification treatment, and~~
18 ~~not less than one hundred eighty (180) days the client is in~~
19 ~~comprehensive maintenance treatment. Additional requirements and~~
20 ~~exceptions for each type of narcotic treatment services shall apply,~~
21 ~~as required by Title 21 of the Code of Federal Regulations.~~

22 SECTION 14. AMENDATORY 43A O.S. 1991, Section 3-702, is
23 amended to read as follows:

1 Section 3-702. When a person confined in a penal or
2 correctional institution or reformatory of this state is evaluated
3 as provided by law by either the Department of Mental Health and
4 Substance Abuse Services or the Department of Corrections to be
5 mentally ill and ~~said~~ the inmate is in need of observation and
6 treatment on account of mental illness, and that such observation
7 and treatment cannot be properly carried out by the Department of
8 Corrections ~~Special Care Unit~~, the district court may then order ~~his~~
9 the inmate's transfer to a ~~state mental institution~~ facility,
10 pursuant to the laws governing involuntary commitment, where ~~he~~ the
11 inmate shall remain until the ~~superintendent~~ executive director of
12 the ~~hospital~~ facility which received ~~him~~ ~~advises the Commissioner of~~
13 ~~Mental Health and Substance Abuse Services~~ the inmate determines
14 that ~~his condition~~ the inmate has ~~so far~~ improved to the point that
15 ~~he~~ the inmate may be returned to the penal institution from which ~~he~~
16 the inmate came without special jeopardy to ~~his~~ the mental health of
17 the inmate or the discipline and conduct of that institution. The
18 costs incurred in transferring and treating the prisoner shall be
19 borne by the penal institution. If the sentence expires during the
20 time of a prisoner's stay in the mental institution, and ~~he~~ the
21 prisoner is still mentally ill and a fit subject for commitment to a
22 ~~state institution~~ facility, the ~~superintendent~~ executive director

1 shall immediately instigate proceedings for commitment under one of
2 the procedures provided in this title.

3 SECTION 15. AMENDATORY 43A O.S. 1991, Section 5-309, is
4 amended to read as follows:

5 Section 5-309. No patient admitted to a state mental hospital
6 under the provisions of the Mental Hospital Voluntary Admission
7 Procedures Act shall be detained in a mental hospital against ~~his~~
8 the will of the person more than ~~sixty (60) days~~ seventy-two (72)
9 hours, excluding weekends and holidays, after ~~he~~ the patient gives
10 notice in writing to the ~~superintendent~~ executive director of ~~said~~
11 ~~hospital~~ the facility of ~~his~~ the desire of the patient to be
12 discharged from ~~said hospital~~ the facility. The ~~superintendent~~
13 executive director of the ~~hospital~~ facility may designate one or
14 more employees of the ~~institution~~ facility to receive a notification
15 provided by this section with the same effect as if delivered to the
16 ~~superintendent~~ executive director personally.

17 SECTION 16. AMENDATORY 43A O.S. 1991, Section 5-416, as
18 last amended by Section 9, Chapter 421, O.S.L. 2000 (43A O.S. Supp.
19 2000, Section 5-426), is amended to read as follows:

20 Section 5-416. A. The court, in considering a commitment
21 petition filed under Section 5-410 or Section 9-102 of this title,
22 shall not order hospitalization without a thorough consideration of
23 available treatment alternatives to hospitalization, nor without

1 addressing the patient's competency to consent to or refuse the
2 treatment that is ordered including, but not limited to, the
3 patient's rights:

- 4 1. To be heard concerning the patient's treatment; and
- 5 2. To refuse medications.

6 B. 1. If the court, in considering a commitment petition filed
7 under Section 5-410 or Section 9-102 of this title, finds that a
8 program other than hospitalization is adequate to meet the
9 individual's treatment needs and is sufficient to prevent injury to
10 the individual or to others, the court may order the individual to
11 receive whatever treatment other than hospitalization is appropriate
12 for a period set by the court, during which time the court:

- 13 a. shall have continuing jurisdiction over the individual
14 as a person requiring treatment, and
- 15 b. shall periodically, no less often than annually,
16 review the treatment needs of the individual and
17 determine whether or not to continue, discontinue, or
18 modify the treatment.

19 2. If at any time it comes to the attention of the court from a
20 person competent to file a petition, pursuant to subsection A of
21 Section 5-410 of this title, that the individual ordered to undergo
22 a program of alternative treatment to hospitalization is not
23 complying with the order or that the alternative treatment program

1 has not been sufficient to prevent harm or injury which the
2 individual may be inflicting upon himself or others, the court may
3 order the person to show cause why the court should not:

4 a. implement other alternatives to hospitalization,
5 modify or rescind the original order or direct the
6 individual to undergo another program of alternative
7 treatment, if necessary and appropriate, based on
8 written findings of the court, or

9 b. enter an order of admission pursuant to the provisions
10 of this title, directing that the person be
11 hospitalized and, if the individual refuses to comply
12 with this order of hospitalization, the court may
13 direct a peace officer to take the individual into
14 protective custody and transport the person to a
15 public or private facility designated by the court.

16 3. If an order of alternative treatment will expire without
17 further review by the court and it is believed that the individual
18 continues to require treatment, a person competent to file a
19 petition, pursuant to subsection A of Section 5-410 of this title,
20 may file either an application for an extension of the court's
21 previous order or an entirely new petition for a determination that
22 the individual is a person requiring treatment.

1 4. A hearing on the application or petition filed pursuant to
2 paragraph 3 of this subsection shall be held within ten (10) days
3 after the application or petition is filed, unless the court extends
4 the time for good cause. In setting the matter for hearing, the
5 court shall consider whether or not the prior orders of the court
6 will expire during the pendency of the hearing and shall make
7 appropriate orders to protect the interests of the individual who is
8 the subject of the hearing.

9 C. Prior to ordering the hospitalization of an individual, the
10 court shall inquire into the adequacy of treatment to be provided to
11 the individual by the facility, and hospitalization shall not be
12 ordered unless the facility in which the individual is to be treated
13 can provide such person with treatment which is adequate and
14 appropriate to such person's condition.

15 D. The court may modify an order for involuntary commitment and
16 order alternative treatment pursuant to the provisions of this
17 section upon request of any of the following:

18 1. The administrator of a facility to which a person has been
19 involuntarily committed for inpatient treatment pursuant to the
20 provisions of Section 5-410 or Section 9-102 of this title;

21 2. The person committed; or

22 3. A person competent to file a petition pursuant to subsection
23 A of Section 5-410 of this title.

1 E. Nothing in this section shall prohibit the Department of
2 Mental Health and Substance Abuse Services, or the court, from
3 discharging a person admitted pursuant to this section, at a time
4 prior to the expiration of the period of alternative treatment, or
5 any extension thereof. The Department of Mental Health and
6 Substance Abuse Services shall file a report with the court
7 outlining the disposition of each person admitted pursuant to this
8 section at least forty-eight (48) hours prior to discharge.

9 F. Notice of any proceedings pursuant to this section shall be
10 given to the patient, the patient's guardian, the patient's
11 attorney, and the person filing the petition or application.

12 G. The provisions of this section shall apply to all orders and
13 petitions for alternative treatment in force or pending on and after
14 the effective date of this act.

15 SECTION 17. AMENDATORY 43A O.S. 1991, Section 7-101, is
16 amended to read as follows:

17 Section 7-101. A. The person in charge of a facility within
18 the Department of Mental Health and Substance Abuse Services shall
19 discharge a patient or permit ~~him~~ the patient to leave the facility
20 as provided herein.

21 B. The person in charge shall discharge a patient:

22 1. Who is not dangerous to ~~himself~~ self or others; and

1 2. Who is capable of surviving safely in freedom ~~by himself~~
2 alone or with the help of willing and responsible family members or
3 friends; and

4 3. For whom a discharge plan has been developed pursuant to the
5 provisions of Section 7-102 of this title.

6 ~~B.~~ C. The person in charge may grant a convalescent leave
7 status to a patient in accordance with ~~rules~~ policies prescribed by
8 the Commissioner. The facility granting a convalescent leave status
9 to a patient has no responsibility in returning the patient to the
10 facility should such become necessary. A convalescent leave may be
11 granted rather than a discharge when the patient's complete recovery
12 can be determined only by permitting ~~him~~ the patient to leave the
13 facility. The person in charge shall discharge a patient who has
14 not returned to the facility within twelve (12) months from the time
15 a convalescent leave was granted.

16 ~~C.~~ D. In accordance with ~~rules~~ policies prescribed by the
17 Commissioner, a person in charge may transfer a patient to an
18 outpatient or other nonhospital status when, in the opinion of the
19 person in charge, such transfer will not be detrimental to the
20 public welfare or injurious to the patient and the necessary
21 treatment may be continued on that basis; provided however, that
22 before transferring the patient, the person in charge shall ~~satisfy~~
23 ~~himself~~ ensure that appropriate financial resources and appropriate

1 services are available to receive and care for such patient after
2 ~~his~~ such transfer.

3 ~~D.~~ E. A visiting status may be granted for a matter of a few
4 hours or days to any patient considered by the person in charge
5 suitable for such privileges.

6 ~~E.~~ F. The person in charge of the facility shall notify the
7 court that committed the patient that the patient has been
8 discharged. Such notification shall be within forty-eight (48)
9 hours ~~prior to~~ after the actual discharge.

10 ~~F.~~ G. The expense of returning a patient from convalescent
11 leave, outpatient status or visiting status shall be that of:

- 12 1. The party removing the patient from the facility; or
- 13 2. The Department. When it becomes necessary for the patient
14 to be returned from the county where ~~he~~ the patient happens to be,
15 the Department shall reimburse the county pursuant to the provisions
16 of the State Travel Reimbursement Act.

17 ~~G.~~ H. In the event authorization is necessary to accomplish the
18 return of the patient to the facility, such authority is hereby
19 vested in the judge of the district court in the county where the
20 patient is located. Upon receipt of notice that the patient needs
21 to be returned to the facility, the judge shall cause the patient to
22 be brought before ~~him~~ the court by issuance of a citation directed
23 to the patient to appear and show cause why ~~he~~ the patient should

1 not be returned to the facility. The judge shall, if clear and
2 convincing evidence is presented by testimony under oath that the
3 patient should be returned to the facility, enter an order returning
4 ~~him~~ the patient. If there is a lack of clear and convincing
5 evidence showing the necessity of such return, the patient shall
6 immediately be released. Law enforcement officers are authorized to
7 take into custody, detain and transport a patient pursuant to a
8 citation or an order of the judge of the district court.

9 ~~H.~~ I. An attending physician of any patient admitted to a
10 private facility may discharge a patient or permit ~~him~~ the patient
11 to leave the facility subject to the same provisions applicable to
12 the discharge or release of a patient by the person in charge of a
13 state facility.

14 SECTION 18. REPEALER 43A O.S. 1991, Sections 2-204, 2-
15 208, 2-209, 2-210, 2-211, 2-212, 2-215, 2-216, 2-400, 3-308, 3-408,
16 3-410, 3-418, 3-419, 3-420 and 3-421, are hereby repealed.

17 SECTION 19. This act shall become effective November 1, 2001.

18 COMMITTEE REPORT BY: COMMITTEE ON HUMAN RESOURCES, dated 3-29-01 -
19 DO PASS, As Amended.