

ENROLLED HOUSE  
BILL NO. 2314

By: Lindley of the House

and

Corn of the Senate

An Act relating to mental health; amending 43A O.S. 2001, Sections 3-313 and 3-314.1, as amended by Sections 15 and 16, Chapter 488, O.S.L. 2002 (43A O.S. Supp. 2003, Section 3-313 and 3-314.1), which relate to domestic violence and sexual assault shelter records; requiring certain reporting; amending 43A O.S. 2001, Section 12-104, as amended by Section 33, Chapter 327, O.S.L. 2002 (43A O.S. Supp. 2003, Section 12-104), which relates to Youth Suicide Prevention Council; extending operation of Council; and providing an effective date.

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

SECTION 1. AMENDATORY 43A O.S. 2001, Section 3-313, as amended by Section 15, Chapter 488, O.S.L. 2002 (43A O.S. Supp. 2003, Section 3-313), is amended to read as follows:

Section 3-313. A. The Department of Mental Health and Substance Abuse Services is hereby authorized and directed to enter into agreements and to contract for the shelter and other services as are needed for victims of domestic abuse or sexual assault. Any domestic violence or sexual assault program providing services pursuant to a contract or subcontract with and receiving funds from the Department of Mental Health and Substance Abuse Services, the Board of Mental Health and Substance Abuse Services, or any facility of the Department of Mental Health and Substance Abuse Services shall be subject to the provisions of the Unified Community Mental Health Services Act.

B. 1. Except as otherwise provided by paragraph 2 of this subsection, the case records, case files, case notes, client records, or similar records of a domestic violence or sexual assault program certified by the Department of Mental Health and Substance Abuse Services or of any employee or trained volunteer of a program regarding an individual who is residing or has resided in the program or who has otherwise utilized or is utilizing the services of a domestic violence or sexual assault program or counselor shall be confidential and shall not be disclosed. For purposes of this paragraph, the term "client records" shall include, but not be limited to, all communications, records, and information regarding clients of domestic violence and sexual assault programs.

2. The case records, case files, or case notes of programs specified in paragraph 1 of this subsection shall be confidential

and shall not be disclosed except with the written consent of the individual, or in the case of the individual's death or disability, of the individual's personal representative or other person authorized to sue on the individual's behalf or by court order for good cause shown by the judge in camera.

C. The district court shall not order the disclosure of the address of a domestic violence shelter, the location of any person seeking or receiving services from a domestic violence or sexual assault program, or any other information which is required to be kept confidential pursuant to subsection B of this section.

D. The home address, personal telephone numbers and social security number of board members, staff and volunteers of certified domestic violence and sexual assault programs shall not be construed to be open records pursuant to the Oklahoma Open Records Act.

E. Certified domestic violence shelters and domestic violence and sexual assault programs shall report client services electronically using a unique identifier for services reported as domestic violence and sexual assault services. Certified domestic violence shelters and domestic violence and sexual assault programs shall not be required to electronically report data which:

1. Would disclose the identity of individual receiving domestic violence and/or sexual assault services; or

2. Could increase the risk of harm to the client if reported.

SECTION 2. AMENDATORY 43A O.S. 2001, Section 3-314.1, as amended by Section 16, Chapter 488, O.S.L. 2002 (43A O.S. Supp. 2003, Section 3-314.1), is amended to read as follows:

Section 3-314.1 A. The Board of Mental Health and Substance Abuse Services shall adopt and promulgate rules and standards for certification of domestic violence programs and for private facilities and organizations which offer domestic and sexual assault services in this state. These facilities shall be known as "Certified Domestic Violence Shelters" or "Certified Domestic Violence Programs" or "Certified Sexual Assault Programs" or "Certified Treatment Programs for Batterers", as applicable.

B. Applications for certification as a certified domestic violence shelter, domestic violence program, sexual assault program or treatment program for batterers, pursuant to the provisions of this section, shall be made to the Department of Mental Health and Substance Abuse Services on prescribed forms. The Board, or the Commissioner upon delegation by the Board, may certify the shelter or program for a period of three (3) years subject to renewal as provided in the rules promulgated by the Board. Nothing in this section shall preclude the Department from making inspection visits to a shelter or program to determine contract or program compliance.

C. Licensed physicians, licensed psychologists, licensed social workers, individual members of the clergy, licensed marital and family therapists, licensed behavioral practitioners, and licensed professional counselors shall be exempt from certification requirements; provided, however, these exemptions shall only apply to individual professional persons in their private practice and not

to any domestic violence program or sexual assault program operated by such person.

D. Facilities providing services for victims or survivors of domestic abuse or sexual assault and any dependent children of such victims or survivors shall comply with standards adopted by the Board; provided, that the certification requirements and standards adopted by the Board shall not apply to programs and services offered by the State Department of Health and the Department of Human Services. The domestic violence or sexual assault programs certified pursuant to the provisions of this section shall cooperate with inspection personnel of the state and shall promptly file all reports required by the Department. Failure to comply with rules and standards promulgated by the Board shall be grounds for revocation of certification, after proper notice and hearing. Certified domestic violence shelters and domestic violence and sexual assault programs shall report client services electronically using a unique identifier for services reported as domestic violence and sexual assault services. Certified domestic violence shelters and domestic violence and sexual assault programs shall not be required to electronically report data which:

1. Would disclose the identity of individual receiving domestic violence and/or sexual assault services; or
2. Could increase the risk of harm to the client if reported.

E. The Department is hereby authorized to collect from each applicant the sum of One Hundred Dollars (\$100.00) annually to help defray the costs incurred in the certification procedure.

SECTION 3. AMENDATORY 43A O.S. 2001, Section 12-104, as amended by Section 33, Chapter 327, O.S.L. 2002 (43A O.S. Supp. 2003, Section 12-104), is amended to read as follows:

Section 12-104. A. There is hereby created until January 1, ~~2005~~ 2010, a Youth Suicide Prevention Council. The Council shall assist with the implementation of the Youth Suicide Prevention Act.

B. The Youth Suicide Prevention Council shall be composed of twenty-one (21) members as follows:

1. One member of the Oklahoma House of Representatives appointed by the Speaker of the House of Representatives;
2. One member of the Oklahoma State Senate appointed by the President Pro Tempore of the Senate;
3. Two representatives of the Department of Mental Health and Substance Abuse Services appointed by the Commissioner of Mental Health and Substance Abuse Services;
4. Two representatives of the State Department of Health appointed by the State Commissioner of Health;
5. One representative of the State Department of Education appointed by the State Superintendent of Public Instruction;
6. One representative of the Office of Juvenile Affairs appointed by the Director of the Office of Juvenile Affairs;

7. One representative of the Oklahoma Commission on Children and Youth appointed by the Director of the Oklahoma Commission on Children and Youth;

8. Two survivors of attempted youth suicide or other youth who have had experience with attempted suicide or suicide, one each appointed by the President Pro Tempore of the Senate and the Speaker of the House of Representatives;

9. Two survivors of suicide, including, but not limited to, parents or other family members of youths who committed suicide, to be appointed by the President Pro Tempore of the Senate;

10. One teacher and one school counselor each to be appointed by the Speaker of the House of Representatives;

11. Two licensed mental health professionals who work in the area of suicide prevention, appointed by the Governor;

12. One child psychiatrist who is licensed pursuant to the laws of this state appointed by the President Pro Tempore of the Senate; and

13. Three members of the clergy, one each appointed by the President Pro Tempore of the Senate, the Speaker of the House of Representatives and the Governor.

C. The Commissioner of Mental Health and Substance Abuse Services, or a designee, shall convene the initial meeting of the Council, at which time the Council shall elect a chair and vice-chair from among its membership. Staff assistance to the Council shall be provided by the Department of Mental Health and Substance Abuse Services and the State Department of Health. Members of the Council shall receive no compensation for their service on the Council but shall be reimbursed by the appointing authority for travel expenses incurred in the performance of their duties pursuant to the State Travel Reimbursement Act.

D. Upon four consecutive absences of a Council member, the position shall be considered vacant. The chair may notify the appointing authority of the vacancy and request that another individual be appointed to fill the position.

E. The responsibilities of the Council shall include, but not be limited to, the following:

1. Collaborate with community partnership boards established pursuant to Section 601.11 of Title 10 of the Oklahoma Statutes and other community-level planning bodies to assist in the development and coordination of local resources and building community capacity to address the issue of youth suicide;

2. Provide technical assistance to schools and communities with respect to the best practices in the identification and treatment of children, youth and young adults at risk for committing suicide;

3. Identify and promote strategies to prevent suicide among children, youth and young adults; and

4. Promote public awareness of the problem of youth suicide and the efforts being made in Oklahoma to reduce morbidity and mortality associated with suicide.

F. The Council shall submit a report to the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Commissioner of Mental Health and Substance Abuse Services and the State Commissioner of Health no later than December 1 of each year. The report shall provide an update of activities and progress in implementing the provisions of the Youth Suicide Prevention Act, and offer policy and legislative recommendations.

SECTION 4. This act shall become effective November 1, 2004.

Passed the House of Representatives the 20th day of May, 2004.

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Presiding Officer of the House of  
Representatives

Passed the Senate the 24th day of May, 2004.

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Presiding Officer of the Senate