ENGROSSED SENATE
BILL NO. 2076 By: Sparks of the Senate

and

Schwartz of the House

[mental health - alcohol and drug substance abuse courses - voluntary admission to facilities - codification – repealer - effective date]

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

SECTION 1. AMENDATORY 43A O.S. 2001, Section 1-103, as last amended by Section 1, Chapter 97, O.S.L. 2006 (43A O.S. Supp. 2007, Section 1-103), is amended to read as follows:

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

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

2. "Chair" means the chair of the Board of Mental Health and Substance Abuse Services;

3. "Mental illness" means a substantial disorder of thought, mood, perception, psychological orientation or memory that

significantly impairs judgment, behavior, capacity to recognize reality or ability to meet the ordinary demands of life;

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

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

6. "Indigent person" means a person who has not sufficient assets or resources to support the person and to support members of the family of the person lawfully dependent on the person for support;

7. "Facility" means any hospital, school, building, house or retreat, authorized by law to have the care, treatment or custody of an individual with mental illness, ~~the mentally ill or~~ drug~~-dependent~~ or alcohol~~-dependent persons~~ dependency, gambling addiction, eating disorders, or an individual receiving methadone treatment for dependency purposes only, including, but not limited to, public or private hospitals, community mental health centers, clinics, satellites or facilities; provided that facility shall not mean a child guidance center operated by the State Department of Health;

8. "Consumer" means a person under care or treatment in a facility pursuant to the Mental Health Law, or in an outpatient status;

9. "Care and treatment" means medical care and behavioral health services, as well as food, clothing and maintenance, furnished to a person;

10. Whenever in this law or in any other law, or in any rule or order made or promulgated pursuant to this law or to any other law, or in the printed forms prepared for the admission of consumers or for statistical reports, the words "insane", "insanity", "lunacy", "mentally sick", "mental disease" or "mental disorder" are used, such terms shall have equal significance to the words "mental illness";

11. "Licensed mental health professional" means:

a. a psychiatrist who is a diplomate of the American Board of Psychiatry and Neurology,

b. a physician licensed pursuant to Section 480 et seq. or Section 620 et seq. of Title 59 of the Oklahoma Statutes who has received specific training for and is experienced in performing mental health therapeutic, diagnostic, or counseling functions,

c. a clinical psychologist who is duly licensed to practice by the State Board of Examiners of Psychologists,

d. a professional counselor licensed pursuant to Section 1901 et seq. of Title 59 of the Oklahoma Statutes,

e. a person licensed as a clinical social worker pursuant to the provisions of the Social Worker's Licensing Act,

f. a licensed marital and family therapist as defined in Section 1925.1 et seq. of Title 59 of the Oklahoma Statutes,

g. a licensed behavioral practitioner as defined in Section 1930 et seq. of Title 59 of the Oklahoma Statutes, ~~or~~

h. an advanced practice nurse as defined in Section 567.1 et seq. of Title 59 of the Oklahoma Statutes specializing in mental health; or

i. a physician's assistant who is licensed in good standing in the state and has received specific training for and is experienced in performing mental health therapeutic, diagnostic, or counseling functions;

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

13. a. "Person requiring treatment" means:

(1) a person who because of a mental illness of the person represents a risk of harm to self or others, or

(2) a person who is a drug- or alcohol-dependent person and who as a result of dependency represents a risk of harm to self or others.

b. Unless a person also meets the criteria established in subparagraph a of this paragraph, person requiring treatment shall not mean:

(1) a person whose mental processes have been weakened or impaired by reason of advanced years,

(2) a mentally retarded or developmentally disabled person as defined in Title 10 of the Oklahoma Statutes,

(3) a person with seizure disorder, or

(4) a person with a traumatic brain injury;

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

15. "Executive director" means the person in charge of a facility as defined in this section;

16. "Private hospital or facility" means any general hospital maintaining a neuro-psychiatric unit or ward, or any private hospital or facility for care and treatment of a person having a mental illness, which is not supported by the state or federal government. The term “private hospital” or “facility” shall not include nursing homes or other facilities maintained primarily for the care of elderly and disabled persons;

17. "Individualized treatment plan" means a proposal developed during the stay of an individual in a facility, under the provisions of this title, which is specifically tailored to the treatment needs of the individual. Each plan shall clearly include the following:

a. a statement of treatment goals or objectives, based upon and related to a clinical evaluation, which can be reasonably achieved within a designated time interval,

b. treatment methods and procedures to be used to obtain these goals, which methods and procedures are related to each of these goals and which include specific prognosis for achieving each of these goals,

c. identification of the types of professional personnel who will carry out the treatment procedures, including appropriate medical or other professional involvement by a physician or other health professional properly qualified to fulfill legal requirements mandated under state and federal law,

d. documentation of involvement by the individual receiving treatment and, if applicable, the accordance of the individual with the treatment plan, and

e. a statement attesting that the executive director of the facility or clinical director has made a

reasonable effort to meet the plan's individualized treatment goals in the least restrictive environment possible closest to the home community of the individual; and

18. "Risk of harm to self or others" means:

a. a substantial risk of immediate physical harm to self as manifested by evidence or serious threats of or attempts at suicide or other significant self-inflicted bodily harm,

b. a substantial risk of immediate physical harm to another person or persons as manifested by evidence of violent behavior directed toward another person or persons,

c. having placed another person or persons in a reasonable fear of violent behavior directed towards such person or persons or serious physical harm to them as manifested by serious and immediate threats,

d. there exists a substantial risk that without immediate intervention severe impairment or injury will result to the person alleged to be a person requiring treatment, or

e. a substantial risk of immediate serious physical injury to self, or immediate death, as manifested by evidence that the person is unable to provide for and

is not providing for the basic physical needs of the person and that appropriate provision for those needs cannot be made immediately available in the community. Unless a person also meets the criteria established in subparagraphs a, b, c, d, or e of this paragraph, "risk of harm to self or others" does not mean a person who is homeless.

SECTION 2. AMENDATORY 43A O.S. 2001, Section 3-453, as last amended by Section 7, Chapter 130, O.S.L. 2007 (43A O.S. Supp. 2007, Section 3-453), is amended to read as follows:

Section 3-453. A. Alcohol and drug substance abuse courses shall be offered only by nonprofit educational institutions of higher learning, governmental or nonprofit organizations.

B. Enrollment fees for those attending the courses shall be set by the Department of Mental Health and Substance Abuse Services and shall be within a range of not less than Sixty-five Dollars ($65.00) and not more than:

1. ~~One Hundred Fifty Dollars ($150.00)~~ One Hundred Thirty-five Dollars ($135.00) for a ten-hour course; and

2. ~~Three Hundred Sixty Dollars ($360.00)~~ Three Hundred Twenty-four Dollars ($324.00) for a twenty-four-hour course.

C. ~~Ten percent (10%) of each fee collected~~ A Twenty-Dollar fee shall be remitted by the ~~institution or organization offering~~ individual attending the alcohol and drug substance abuse ~~courses~~ course directly to the Department of Public Safety upon

reinstatement of such person's driving privileges. The Department of Public Safety shall remit the fees collected pursuant to this section to the State Treasurer to be credited to the Community-based Substance Abuse Revolving Fund in the State Treasury and shall be used to provide substance abuse services to the indigent or to provide specialized training to alcohol and drug substance abuse course facilitators. Five percent (5%) of each fee collected by the Department of Mental Health and Substance Abuse Services shall be used for the administrative costs related to providing such services.

D. Enrollment in the course shall not be limited to persons ordered to enroll, attend and successfully complete the course.

E. All alcohol and drug substance abuse courses related to driver license revocation and course facilitators shall be approved and certified by the Department of Mental Health and Substance Abuse Services.

F. The Department of Mental Health and Substance Abuse Services is authorized to promulgate rules governing:

1. Minimum curriculum requirements for such courses;

2. Facilities, equipment and instructional materials for such courses;

3. Minimum qualifications for course facilitators;

4. Grounds for reprimand and for revocation, suspension or nonrenewal of the authority to conduct such courses and for revocation of a facilitator's certification;

5. Attendance requirements; and

6. Guidelines for certifying to the Department of Mental Health and Substance Abuse Services and the Department of Public Safety successful completion of such course.

G. The Department of Mental Health and Substance Abuse Services shall require that each ten-hour course shall be conducted in no less than three sessions of no more than three and one-half (3 1/2) hours each on three (3) separate days. For a twenty-four-hour course, the Department of Mental Health and Substance Abuse Services shall require that:

1. Each such course shall consist of at least twenty-four (24) hours;

2. Each such course shall consist of no more than two (2) hours of education on any given day, nor more than four (4) hours in a given week, and shall not contain more than ten percent (10%) films on any one specialized area; and

3. ~~Each facilitator shall be certified and shall:~~

~~a. possess a bachelor's degree in behavioral or health care sciences education, psychology, social work or chemical dependency,~~

~~b. possess at least two (2) years of verifiable full-time equivalent experience in the addiction treatment field,~~

~~c. provide documentation verifying observation of one complete alcohol and drug substance abuse course conducted by a certified facilitator. Such observation must be completed and verified to the Department prior to attending facilitator training,~~

~~d. provide proof of attendance at a facilitator training session and pass the Department's certification examination for the ten-hour alcohol and drug substance abuse course facilitator, and~~

~~e. provide verification of having conducted a complete alcohol and drug substance abuse course under the supervision of a certified alcohol and drug substance abuse course facilitator or a Department representative;~~

~~4. The facilitator candidate shall be allowed one (1) year to complete all training requirements. Failure to meet all requirements within one (1) year shall result in denial of certification. To be reconsidered, the candidate shall be required to reapply to the Department;~~

~~5. A facilitator for a twenty-four-hour alcohol and drug substance abuse course shall:~~

~~a. attend the twenty-four-hour alcohol and drug substance abuse course facilitator training and pass the Department certification examination for the twenty-four hour alcohol and drug substance abuse course facilitator, and~~

~~b. conduct a complete twenty four hour alcohol and drug substance abuse course under the supervision of a certified alcohol and drug substance abuse course facilitator or a Department representative; and~~

~~6.~~ No more than twenty-four students shall be allowed in a given class.

H. Any institution or organization authorized under this act to conduct an alcohol and drug substance abuse course shall certify to the Department of Public Safety all persons who successfully complete such course.

I. Any person participating in a substance abuse treatment program recommended as a result of an assessment pursuant to Section 3-460 of this title shall be required to pay all or part of the actual cost incurred for treatment of the person, if the court determines the person has the ability to pay for all or part of the cost of treatment. The court shall determine the amount of reimbursement the person shall pay.

J. Application fees for certification of course facilitators shall be set by the Board <u>of Mental Health and Substance Abuse</u>

Services to defray the costs of administering the program and shall be:

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

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

K. The Director of the Office of State Finance shall transfer unobligated monies generated from the fees in subsection C of this section, deposited before November 1, 2005, from the Department of Mental Health and Substance Abuse Services Revolving Fund to the Community-based Substance Abuse Revolving Fund, in amounts calculated by the Department of Mental Health and Substance Abuse Services.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-453.2 of Title 43A, unless there is created a duplication in numbering, reads as follows:

A. Each facilitator for an alcohol and drug substance abuse course shall be certified by the Department of Mental Health and Substance Abuse Services and shall:

1. Possess a bachelor degree in behavioral or health care sciences education, psychology, social work or chemical dependency;

2. Possess at least two (2) years of verifiable full-time-equivalent experience in the addiction treatment field;

3. Provide documentation verifying observation of one complete alcohol and drug substance abuse course conducted by a certified facilitator, which shall be completed and verified to the Department prior to attending facilitator training;

4. Provide proof of attendance at a facilitator training session and pass the Department's certification examination for the ten-hour alcohol and drug substance abuse course facility; and

5. Provide verification of having conducted a complete alcohol and drug substance abuse course under the supervision of a certified alcohol and drug substance abuse course facilitator or a Department representative.

B. A facilitator for a twenty-four-hour alcohol and drug substance abuse course shall meet all the requirements contained in paragraphs 1 through 3 of subsection A of this section and shall:

1. Attend the twenty-four-hour alcohol and drug substance abuse course facilitator training session and pass the Department certification examination for the twenty-four-hour alcohol and drug substance abuse course facilitator; and

2. Conduct a complete twenty-four-hour alcohol and drug substance abuse course under the supervision of a certified alcohol and drug substance abuse course facilitator or a Department representative.

C. Alcohol and drug substance abuse course facilitator candidates shall be allowed one (1) year to complete all training

requirements. Failure to meet all requirements within one (1) year shall result in denial of certification. To be reconsidered, the candidate shall be required to reapply to the Department.

SECTION 4. AMENDATORY 43A O.S. 2001, Section 5-101, as last amended by Section 10, Chapter 130, O.S.L. 2007 (43A O.S. Supp. 2007, Section 5-101), is amended to read as follows:

Section 5-101. A. Any person who has a mental illness or is alcohol- or drug-dependent to a degree which warrants inpatient treatment or care, and who is not in confinement in any jail~~, detention, lockup,~~ or correctional facility on a criminal charge or conviction and who has no criminal charges pending against him or her, may be admitted to and confined in a facility within the Department of Mental Health and Substance Abuse Services, a state psychiatric hospital, or a licensed private institution by compliance with any one of the following procedures:

1. Emergency admission;

2. On voluntary application; or

3. On involuntary court commitment.

B. Any person who has a mental illness or is alcohol- or drug-dependent to a degree which warrants inpatient treatment or care and who has criminal charges pending against him or her but is not confined in any jail~~, detention, lockup,~~ or correctional facility may be admitted to a facility within the Department or a licensed private institution pursuant to the provisions of subsection A of

this section; provided, the facility or hospital shall be authorized to take such reasonable steps as necessary to assure the protection of the public, the residents of the facility or hospital and the person including, but not limited to, segregation and private facilities. Provided further, treatment received pursuant to this subsection shall not constitute a defense in any criminal proceeding except as otherwise provided by Title 22 of the Oklahoma Statutes.

C. 1. Any person confined pursuant to a criminal charge shall only be admitted to and confined pursuant to a court order issued in compliance with the provisions of Section 1175.6 of Title 22 of the Oklahoma Statutes.

2. No person shall be deprived of his or her liberty on the grounds that such person is, or is supposed to have, a mental illness or is in need of mental health treatment, except in accordance with the provisions of the Mental Health Law.

SECTION 5. AMENDATORY 43A O.S. 2001, Section 5-304, as last amended by Section 41, Chapter 150, O.S.L. 2005 (43A O.S. Supp. 2007, Section 5-304), is amended to read as follows:

Section 5-304. A. The Board of Mental Health and Substance Abuse Services shall promulgate rules for the reception and retention of voluntary consumers by state facilities.

B. The executive director in charge of any state facility or licensed private hospital for care and treatment of the mentally ill

may at his or her discretion receive and retain therein as a consumer:

1. Any person eighteen (18) years of age or over, suitable for care and treatment, who voluntarily makes written application;

2. Any person, suitable for care and treatment ~~at least sixteen (16) years but not over eighteen (18) years of age~~, under eighteen (18) years of age, with the consent of such person's parent or guardian; and

3. Any person, suitable for care and treatment, at least sixteen (16) years of age but not over eighteen (18) years of age, without the consent of such person's parent or guardian.

C. A person received at any facility pursuant to this section shall not be detained for a period exceeding seventy-two (72) hours, excluding weekends and holidays, from and inclusive of the date of notice in writing of his or her intention or desire to leave such hospital or facility.

D. ~~The form for voluntary application shall be printed or written on eight and one half inch by eleven inch paper and shall be substantially as follows:~~

~~Mental Health Law Form 19.~~

~~VOLUNTARY APPLICATION FOR ADMISSION TO THE EXECUTIVE DIRECTOR OF THE FACILITY _____AT_____~~

~~Application is hereby made for my admission to the above named facility within the Department of Mental Health and Substance Abuse~~

~~Services as a voluntary consumer under the provisions of the Oklahoma Mental Health Law.~~

~~Dated this _____ day of _____, 20__.~~

~~_____Applicant~~

~~_____Address~~

~~Subscribed and sworn to before me this _____ day of _____, 20__.~~

~~_____~~

~~Notary Public~~

~~E.~~ The applicant, or someone on behalf of the applicant, must pay a bond for the cost of care and treatment or pay such cost each month in advance, unless it is determined that the applicant is a poor or indigent person as provided in this title.

SECTION 6. AMENDATORY 43A O.S. 2001, Section 5-305, as last amended by Section 42, Chapter 150, O.S.L. 2005 (43A O.S. Supp. 2007, Section 5-305), is amended to read as follows:

Section 5-305. Any person desiring and needing psychiatric treatment in a state facility for the mentally ill as a voluntary consumer may present a written application to the judge of the district court:

1. Of the county in which the person resides; or

2. Of the county in which a state hospital for the mentally ill is located. ~~The application may be in substantially the following form:~~

~~IN THE DISTRICT COURT OF _____ COUNTY, OKLAHOMA~~

~~In the Matter of the Mental Health of No._____~~

~~on the Mental Health Consumer Docket~~

~~APPLICATION FOR VOLUNTARY ADMISSION TO MENTAL FACILITY~~

~~I declare that my name is ____, that I am ____ years of age, and that I reside in ____ County, Oklahoma, my permanent residence address being as follows:~~

~~_____~~

~~I have obtained medical advice concerning my condition, and I desire to be admitted to the ____ State Facility at ____, Oklahoma, as a voluntary consumer under the provisions of the Mental Hospital Voluntary Admission Procedures Act. I understand that if admitted to this facility I may be detained in this facility until the executive director of this facility concludes that it is proper for me to be released, not exceeding, however, a period of seventy two (72) hours after I give written notification to the executive director or a designee of my desire to leave the facility.~~

~~I declare that the names and addresses of my close relatives are as follows:~~

~~Father: _____~~

~~Mother: _____~~

~~Spouse: _____~~

~~Adult Children: _____~~

~~Other: _____~~

~~Dated this ____ day of _____, 20__.~~

~~(Signature)~~

SECTION 7. AMENDATORY 43A O.S. 2001, Section 5-306, as last amended by Section 43, Chapter 150, O.S.L. 2005 (43A O.S. Supp. 2007, Section 5-306), is amended to read as follows:

Section 5-306. The application described in Section 5-305 of this title shall be accompanied by a certificate in duplicate signed by a licensed doctor of medicine or osteopathic physician who is duly licensed to practice ~~his~~ such profession by the Oklahoma State Board of Medical Licensure and Supervision or the Oklahoma Board of Osteopathic Examiners, who is not related by blood or marriage to the person being examined, and who has no interest in the estate of the person being examined. This certificate ~~may be substantially in the following form~~ shall include the following:

1. A statement that a physician licensed in the State of Oklahoma has personally examined the person;

2. A statement that such physician is not related by blood or marriage to the person being examined and has no interest in the estate of the person being examined;

3. A determination that the person has a mental illness that requires inpatient admission;

4. A statement that the person may not be held at the facility for longer than seventy-two (72) hours, excluding weekends and

holidays, past the time when such person has revoked consent to stay for treatment;

5. Information on the benefits and side effects of the treatment the person will receive in an inpatient setting;

6. Certification that the person has made a knowing and willing consent to voluntary inpatient treatment; and

7. The physician's signature made under penalty of perjury.

~~CERTIFICATE OF PHYSICIAN~~

~~I do hereby certify that on the ____ day of ____, 20__, I examined ____ and I am of the opinion that the person has a mental illness, and for his/her own welfare ought to be admitted to ____ at ____, Oklahoma, as a consumer therein.~~

~~I further certify that I have explained to this person that if he/she is admitted to a facility for the mentally ill as a voluntary consumer, the medical staff may find it necessary or desirable to give a course of treatment requiring an extended period of time, and that it is not the legislative policy of the state to authorize the expenditure of public funds for the commencement of an expensive treatment unless the consumer desires to continue that treatment for the length of time that the attending physicians believe is likely to give adequate benefit to the consumer; and I have also explained that it may become necessary to give treatment which may temporarily weaken the system of the consumer so that it would be injurious to his/her health to release him/her immediately upon his/her request;~~

~~and that therefore the executive director or designee of the facility has authority under the law to detain the consumer in the hospital for as long as seventy-two (72) hours after the consumer gives written notice to the executive director of his/her desire to leave the hospital pursuant to Section 5-208 of Title 43A of the Oklahoma Statutes.~~

~~I further certify that in my opinion this person has sufficient mental capacity to and does understand and comprehend the matters set out in the preceding paragraph.~~

~~I do further certify that I am a licensed doctor of medicine duly licensed as such by the Oklahoma State Board of Medical Licensure and Supervision (or that I am an osteopathic physician duly licensed as such by the Oklahoma Board of Osteopathic Examiners) and that I am not related by blood or marriage to the person being examined and that I have no interest in the estate of the person being examined.~~

~~_____~~

~~(Signature of doctor of medicine or osteopathic physician)~~

SECTION 8. AMENDATORY 43A O.S. 2001, Section 5-308, as amended by Section 45, Chapter 150, O.S.L. 2005 (43A O.S. Supp. 2007, Section 5-308), is amended to read as follows:

Section 5-308. The order of the judge of the district court authorizing the admission of an applicant as a voluntary consumer

pursuant to the provisions of the Mental Hospital Voluntary Admission Procedures Act ~~may be in substantially the following form~~ shall contain the following findings:

1. A physician licensed in the State of Oklahoma personally examined the person requesting inpatient admission for psychiatric care;

2. Such physician certified that the person has a mental condition that requires inpatient admission;

3. The person knowingly and willingly consented to voluntary inpatient admission;

4. The person fully understands the benefits, consequences, conditions, and side effects of inpatient admission and treatment, and agrees to them; and

5. An arrangement for the transportation of the person to the inpatient facility.

~~IN THE COUNTY COURT OF _____ COUNTY, OKLAHOMA~~

~~In the Matter of the~~

~~Mental Health of _____ No._____~~

~~_____ on the Mental Health~~

~~Consumer _____ Docket~~

~~ORDER AUTHORIZING ADMISSION TO MENTAL HOSPITAL~~

~~_____ OF VOLUNTARY CONSUMER~~

~~Now on this _____ day of _____, 20__, the above named _____ having appeared before me as county judge of this county and state, with his/her application to be admitted as a voluntary consumer to the _____ Hospital, a state hospital for the mentally ill located at _____, together with a certificate signed by _____, a doctor of medicine or osteopathic physician, with offices at _____, Oklahoma, such certificate being in the form provided by the Mental Hospital Voluntary Admission Procedures Act.~~

~~and it appearing to me that the consumer fully understands the nature of the application and the consequences which the law will impose in the event the applicant is admitted to a mental hospital as a consumer therein, and that the application is voluntarily made.~~

~~It is therefore ORDERED that the _____ should be and he/she is hereby ORDERED to be admitted to the _____ State Hospital at _____, Oklahoma, and a certified copy of this order shall be sufficient authority for the executive director of such facility to detain the consumer in accordance with the provisions of the Mental Hospital Voluntary Admission Procedures Act.~~

~~The Sheriff of _____ County, Oklahoma, is authorized and directed, on the request of the consumer herein named, to cause the consumer to be transmitted to _____ State Hospital at _____, Oklahoma, and to deliver to the executive director of such hospital one certified copy of this order and to make return as provided by law.~~

_____

~~Judge of the District Court~~

SECTION 9. AMENDATORY 43A O.S. 2001, Section 8-105, as amended by Section 65, Chapter 150, O.S.L. 2005 (43A O.S. Supp. 2007, Section 8-105), is amended to read as follows:

Section 8-105. ~~A.~~ The procedure for court certification to a private hospital or facility shall be the same as that pertaining to court certification of consumers to state mental hospitals in the Mental Health Law, except that before commitment to a private hospital or facility is made, a written report will be submitted to the court containing the following information:

1. The name of the petitioner, relative, or guardian requesting commitment to a private hospital or facility~~,~~ and the name of the private hospital or facility;

2. The name of the physician who will be the attending physician during the period of the hospitalization of the consumer in such private hospital or facility. The qualifications for the attending physician shall be the same as those set forth for a "qualified examiner" by the Mental Health Law; and

3. A statement by the person in charge of the private hospital or facility, or someone designated by the person in charge, that the alleged mentally ill person will be admitted on presentation of a valid order for admission. This statement shall be dated no more than five (5) days prior to the date of the hearing.

~~B. A form for the filing of the information required herein shall be prescribed by the Director of Mental Health, shall be printed on eight and one-half-inch by eleven-inch paper, and shall be substantially in the following form:~~

~~REQUEST FOR COMMITMENT TO A~~

~~PRIVATE HOSPITAL OR~~

~~FACILITY~~

~~I, _____, bearing the relationship of _____ to _____, against whom a petition for commitment as a mentally ill person has been filed in the county court of _____ County, Oklahoma, do hereby request that, in the event said _____ is found to be mentally ill, she/he be committed as a consumer to the _____ at _____, Oklahoma, a private hospital or facility as defined by law. I hereby agree to comply with the rules and regulations of said hospital or facility for the admission and support of said consumer. I further certify that upon admission of said consumer to such private hospital or facility, _____ will be the attending physician, until discharge or transfer of the consumer, or until further notice to this court by me or the attending physician.~~

~~Witness my hand this _____ day of _____, 20__.~~

~~_____~~

~~Subscribed and sworn to before me this _____ day of _____, 20__.~~

~~_____~~

~~Notary Public~~

~~STATEMENT OF ATTENDING~~

~~PHYSICIAN~~

~~I, _____, do hereby certify that I will faithfully perform the duties and responsibilities prescribed by law as the attending physician of _____, upon his/her commitment to the _____ until his/her discharge or transfer, or until further notice to this court by me or the above-named petitioner, relative, or guardian.~~

~~Witness my hand this _____ day of _____, 20__.~~

~~_____~~

~~Attending Physician~~

~~STATEMENT OF PERSON IN CHARGE~~

~~OF PRIVATE HOSPITAL~~

~~OR FACILITY~~

~~I, _____, the duly appointed _____ of the _____, a private hospital or facility containing beds for the reception, care and treatment of persons with neuropsychiatric illnesses, have discussed the rules and regulations of such hospital or facility governing admission and support of consumers with _____, the _____ of _____, an alleged mentally ill person, and that if the person is committed to this hospital or facility on or before _____, 20__, he or she will be admitted as a consumer.~~

~~_____~~

SECTION 10. REPEALER 43A O.S. 2001, Section 2-217, is hereby repealed.

SECTION 11. This act shall become effective November 1, 2008.

Passed the Senate the 11th day of March, 2008.

_____
Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2008.

_____
Presiding Officer of the House of Representatives