

ENROLLED SENATE
BILL NO. 2076

By: Sparks of the Senate

and

Schwartz, Collins and
Pittman of the House

An Act relating to mental health; amending 43A O.S. 2001, Sections 1-103, as last amended by Section 1, Chapter 97, O.S.L. 2006, 1-109, as last amended by Section 2, Chapter 97, O.S.L. 2006, 2-103, as last amended by Section 11, Chapter 348, O.S.L. 2005, 3-101, as last amended by Section 12, Chapter 195, O.S.L. 2005, 3-105, 3-107, as amended by Section 11, Chapter 46, O.S.L. 2003, 3-453, as last amended by Section 7, Chapter 130, O.S.L. 2007, 3-460, as last amended by Section 8, Chapter 130, O.S.L. 2007, 5-101, as last amended by Section 10, Chapter 130, O.S.L. 2007, 5-206, as last amended by Section 15, Chapter 97, O.S.L. 2006, 5-304, as last amended by Section 41, Chapter 150, O.S.L. 2005, 5-305, as last amended by Section 42, Chapter 150, O.S.L. 2005, 5-306, as last amended by Section 43, Chapter 150, O.S.L. 2005, 5-308, as amended by Section 45, Chapter 150, O.S.L. 2005, and 8-105, as amended by Section 65, Chapter 150, O.S.L. 2005 (43A O.S. Supp. 2007, Sections 1-103, 1-109, 2-103, 3-101, 3-107, 3-453, 3-460, 5-101, 5-206, 5-304, 5-305, 5-306, 5-308, and 8-105), which relate to mental health and substance abuse services; modifying definitions, limiting disclosure of certain information; permitting members of the Board of Mental Health and Substance Abuse Services to serve on the State Board of Medical Licensure and Supervision; specifying duties of the Commissioner of Mental Health and Substance Abuse Services; modifying names of certain facilities;

modifying requirements for facilitators of alcohol and drug substance abuse courses; modifying fees related to certain assessments and evaluations; modifying requirements for admittance in certain facilities in specified circumstances; modifying parental consent requirements for voluntary admission in certain facilities; deleting certain forms; specifying content of certain forms; amending 47 O.S. 2001, Section 6-212, as last amended by Section 12, Chapter 326, O.S.L. 2007 (47 O.S. Supp. 2007, Section 6-212), which relates to suspension or revocation of driver licenses; mandating certain fee; repealing 43A O.S. 2001, Section 2-202, as last amended by Section 2 of Enrolled House Bill No. 2765 of the 2nd Session of the 51st Oklahoma Legislature, which relates to the duties of the Commissioner of Mental Health and Substance Abuse Services; repealing 43A O.S. 2001, Section 2-217, which relates to sales, contracts and gifts associated with officers and employees of the Department of Mental Health and Substance Abuse Services; providing for codification; and providing an 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 ~~the mentally ill or drug dependent~~ an individual with mental illness, or alcohol dependent persons drug or alcohol 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 this 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, dementia, or Alzheimer's disease,
- (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, or
- (5) a person who is homeless;

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; and

19. "Telemedicine" means the practice of health care delivery, diagnosis, consultation, evaluation, treatment, transfer of medical data, or exchange of medical education information by means of audio, video, or data communications. Telemedicine uses audio and video multimedia telecommunication equipment which permits two-way real-time communication between a health care practitioner and a patient who are not in the same physical location. Telemedicine shall not include consultation provided by telephone or facsimile machine.

SECTION 2. AMENDATORY 43A O.S. 2001, Section 1-109, as last amended by Section 2, Chapter 97, O.S.L. 2006 (43A O.S. Supp. 2007, Section 1-109), is amended to read as follows:

Section 1-109. A. 1. All mental health and drug or alcohol abuse treatment information, whether or not recorded, and all communications between a physician or psychotherapist and a consumer are both privileged and confidential. In addition, the identity of all persons who have received or are receiving mental health or drug or alcohol abuse treatment services shall be considered confidential and privileged.

2. Such information shall only be available to persons actively engaged in the treatment of the consumer or in related administrative work. The information available to persons actively engaged in the treatment of the consumer or in related administrative work shall be limited to the minimum amount of information necessary for the person or agency to carry out its function.

3. Except as otherwise provided in this section, such information shall not be disclosed to anyone not involved in the treatment of the patient or related administrative work.

B. A person who is or has been a consumer of a physician, psychotherapist, mental health facility, a drug or alcohol abuse treatment facility or service, other agency for the purpose of mental health or drug or alcohol abuse care and treatment shall be entitled to personal access to his or her mental health or drug or alcohol abuse treatment information, except the following:

1. Information contained in notes recorded in any medium by a mental health professional documenting or analyzing the contents of conversation during a private counseling session or a group, joint or family counseling session, and that is separated from the rest of the patient's medical record;

2. Information compiled in reasonable anticipation of or for use in a civil, criminal or administrative action or proceeding;

3. Information that is otherwise privileged or prohibited from disclosure by law;

4. Information the person in charge of the care and treatment of the patient determines to be reasonably likely to endanger the life or physical safety of the patient or another person;

5. Information created or obtained as part of research that includes treatment; provided, the patient consented to the temporary suspension of access while the research is ongoing. The patient's right of access shall resume upon completion of the research;

6. Information requested by an inmate that a correctional institution has determined may jeopardize the health, safety, security, custody or rehabilitation of the inmate or other person; and

7. Information obtained under a promise of confidentiality and the access requested would be reasonably likely to reveal the source of the information.

C. 1. A valid written release for disclosure of mental health or drug or alcohol abuse treatment information shall have, at a minimum, the following elements:

- a. the specific name or general designation of the program or person permitted to make the disclosure,
- b. the name or title of the individual or the name of the organization to which disclosure is to be made,
- c. the name of the consumer whose records are to be released,
- d. the purpose of the disclosure,
- e. a description of the information to be disclosed,
- f. the dated signature of the consumer or authorized representative or both when required,
- g. a statement of the right of the consumer to revoke the release in writing and a description of how the consumer may do so,

- h. an expiration date, event or condition which, if not revoked before, shall ensure the release will last no longer than reasonably necessary to serve the purpose for which it is given, and
- i. if the release is signed by a person authorized to act for a consumer, a description of the authority of such person to act.

2. A release is not valid if the document submitted has any of the following defects:

- a. the expiration date has passed or the expiration event or condition is known to have occurred or to exist,
- b. the release has not been filled out completely with respect to an element described in paragraph 1 of this section,
- c. the release is known to have been revoked, or
- d. any material information in the release is known to be false.

3. A revocation of a release as provided in this section shall be in writing and may be made at any time, except when:

- a. information has already been released in reliance thereon,
- b. the authorization was obtained as a condition of obtaining insurance coverage and other law provides the insurer with the right to contest a claim under the policy or the policy itself, or
- c. the release was executed as part of a criminal justice referral.

4. Disclosure regarding a deceased consumer shall require either a court order or a written release of an executor, administrator or personal representative appointed by the court, or

if there is no such appointment, by the spouse of the consumer or, if none, by any responsible member of the family of the consumer. As used in this paragraph, "responsible family member" means the parent, adult child, adult sibling or other adult relative who was actively involved in providing care to or monitoring the care of the patient as verified by the physician, psychologist or other person responsible for the care and treatment of such person.

D. Except as otherwise permitted, mental health and alcohol or substance abuse treatment information may not be disclosed without valid patient authorization or a valid court order issued by a court of competent jurisdiction. For purposes of this section, a subpoena by itself is not sufficient to authorize disclosure of mental health and alcohol or substance abuse treatment information.

E. An authorization shall not be required for the following uses and disclosures, but information disclosed pursuant to one of these exceptions must be limited to the minimum amount of information necessary:

1. Disclosure by a health care provider of mental health information necessary to carry out such another provider's own treatment, payment, or health care operations. Such disclosures shall be limited to mental health information and shall not include substance abuse information;

2. Communications to law enforcement officers regarding information directly related to the commission of a crime on the premises of a facility or against facility personnel, or a threat to commit such a crime. Such communications involving persons with substance abuse disorders shall be limited to the circumstances surrounding the incident, consumer status, name and address of that individual and the last-known whereabouts of that individual;

3. A review preparatory to research, research on decedents information or research conducted when a waiver of authorization has been approved by either an institutional review board or privacy board;

4. Communications pursuant to a business associate agreement, qualified service organization agreement or a qualified service

organization/business associate agreement. As used in this paragraph:

- a. "business associate agreement" means a written signed agreement between a health care provider and an outside entity which performs or assists in the performance of a function or activity involving the use or disclosure of individually identifiable health information on behalf of the health care provider,
- b. "qualified service organization agreement" means a written, signed agreement between a health care provider and an outside entity which provides services to the health care provider's consumers that are different from the services provided by the health care provider, that allows the health care provider to communicate consumer information necessary for the outside entity to provide services to the health care provider's consumers without the need for an authorization signed by a consumer and in which the outside entity acknowledges that in receiving, storing, processing or otherwise dealing with any consumer information from the health care provider it is fully bound by the provisions of 42 C.F.R., Part 2 and, if necessary, will resist any efforts in judicial proceedings to obtain access to consumer information, except as permitted by 42 C.F.R., Part 2, and
- c. "qualified service organization/business agreement" means a written, signed agreement between a health care provider and an outside entity which provides services to the health care provider's consumers that are different from the services provided by the health care provider, that allows the health care provider to communicate consumer information necessary for the outside entity to provide services to the health care provider's consumers without the need for an authorization signed by a consumer, and in which the outside entity acknowledges that in receiving, storing, processing or otherwise dealing with any consumer information from the health care provider it is fully bound by the provisions 42 C.F.R., Part 2

and, if necessary, will resist any efforts in judicial proceedings to obtain access to consumer information, except as permitted by 42 C.F.R., Part 2. The agreement must also contain elements required by federal privacy regulations in 45 C.F.R., Parts 160 & 164;

5. Reporting under state law incidents of suspected child abuse or neglect to the appropriate authorities; provided, however, for disclosures involving an individual with a substance abuse disorder, this exception does not allow for follow-up communications;

6. Disclosure of consumer-identifying information to medical personnel who have a need for information about a consumer for the purpose of treating a condition which poses an immediate threat to the health of any individual and which requires immediate medical intervention;

7. Communications necessary for audit and evaluation activities;

8. When a program or facility director determines that an adult person with a substance abuse disorder has a medical condition which prevents the person from "knowing or effective action on his or her own behalf", the program or facility director may authorize disclosures for the sole purpose of obtaining payment for services. If the person has been adjudicated incompetent, the facility must seek permission to disclose information for payment from the legal guardian;

9. Reporting of such information as otherwise required by law; provided, however, such disclosure may not identify the person directly or indirectly as a person with a substance abuse disorder;

10. Communications to coroners, medical examiners and funeral directors for the purpose of identifying a deceased person, determining a cause of death, or other duties as authorized by law and as necessary to carry out their duties; provided, however, such disclosure may not identify the person directly or indirectly as a person with a substance abuse disorder;

11. Communications to organ procurement organizations or other entities engaged in procurement, banking, or transplantation of cadaveric organs, eyes or tissue for the purpose of facilitating organ, eye or tissue donation and transplantation; provided, however, such disclosure may not identify the person directly or indirectly as a person with a substance abuse disorder;

12. Disclosure to professional licensure boards investigating alleged unethical behavior towards a patient; provided, however, such disclosure may not identify the person directly or indirectly as a person with a substance abuse disorder;

13. Disclosure to the parent of a minor for the purpose of notifying the parent of the location of his or her child; provided, however, such disclosure may not identify the person directly or indirectly as a person with a substance abuse disorder;

14. Mental health records may be disclosed to parties in a judicial or administrative proceeding in cases involving a claim for personal injury or death against any practitioner of the healing arts, a licensed hospital, or a nursing facility or nursing home licensed pursuant to Section 1-1903 of Title 63 of the Oklahoma Statutes arising out of patient care, where any person has placed the physical or mental condition of that person in issue by the commencement of any action, proceeding, or suit for damages, or where any person has placed in issue the physical or mental condition of any other person or deceased person by or through whom the person rightfully claims;

15. Disclosure of consumer-identifying information when it appears from all the circumstances that the individual has escaped from a correctional institution or from lawful custody and the release is to a law enforcement authority for the purpose of identification and apprehension. Such disclosures shall be limited to mental health information and shall not include substance abuse information; and

16. When failure to disclose the information presents a serious threat to the health and safety of a person or the public; provided, however, such disclosure may not identify the person directly or indirectly as a person with a substance abuse disorder.

SECTION 3. AMENDATORY 43A O.S. 2001, Section 2-103, as last amended by Section 11, Chapter 348, O.S.L. 2005 (43A O.S. Supp. 2007, Section 2-103), is amended to read as follows:

Section 2-103. A. The Board of Mental Health and Substance Abuse Services shall be composed of eleven (11) members, appointed by the Governor, with the advice and consent of the Senate, as follows:

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

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

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

4. Three members, qualified by education and experience in the area of substance abuse recovery, who shall be appointed from a list of not less than ten names submitted to the Governor by a state association of substance abuse recovery programs or organizations for terms ending on December 31, 2002, December 31, 2004, and December 31, 2006, respectively; and

5. Four members who shall be citizens of this state, at least one of whom shall be either a current or former consumer of mental health services.

B. Upon expiration of the initial terms of each of the four members, a successor shall be appointed for a full term of seven (7) years.

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

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

E. All regularly scheduled meetings of the Board shall be held at the Central Office of the Department of Mental Health and Substance Abuse Services, Oklahoma City, Oklahoma, unless otherwise scheduled. Six members shall constitute a quorum at any meeting, and all action may be taken by an affirmative vote of the majority of the members present at any such meeting.

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

G. The duties of the Board shall pertain to the care, treatment, and hospitalization of persons with mental illness, or alcohol- or drug-dependent persons.

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

I. Members of the Board of Mental Health and Substance Abuse Services shall be allowed to serve on the State Board of Medical Licensure and Supervision during members' terms on the Board of Mental Health and Substance Abuse Services.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-202.1 of Title 43A, unless there is created a duplication in numbering, reads as follows:

A. The Commissioner of Mental Health and Substance Abuse Services shall have charge of the administration of the Department of Mental Health and Substance Abuse Services as directed by the Board of Mental Health and Substance Abuse Services and shall be charged with the duty of carrying out the provisions of the Mental Health Law. The duties of the Commissioner shall include, but not be limited to, the following:

1. Supervising the activities of the Department;
2. Prescribing rules and regulations, as approved by the Board of Mental Health and Substance Abuse Services, for the efficient, uniform, and professional operation of the Department, consistent with the mission of the Department, including the official forms used or described in this title;
3. Prescribing policies and procedures for the operation of the Department;
4. Employing necessary personnel to perform the duties of the Department, prescribing titles and duties, and fixing compensation, including the employment of attorneys to provide legal assistance to the Department;
5. Accepting, using, disbursing, and administering grants, allotments, gifts, devises, bequests, appropriations, and other monies and property offered or given to the Department, or any component or agency thereof, by an agency of the federal government or any corporation or individual for the use of the Department;
6. Making contracts and agreements with other departments of this state to carry out the provisions of this section;
7. Acting as the official agency of this state in all matters relating to mental health or substance abuse which require or authorize cooperation of this state with the federal government or any agency thereof; coordinating the activities of the Department with those of the federal government or any department or agency thereof, and with other states, on matters pertaining to mental health and substance abuse, and entering into agreements for such purpose;
8. Aiding, assisting, and cooperating with other state agencies, government entities, institutions of higher learning, public schools, and others interested in public education regarding the issues of mental health and substance abuse in the establishment of sound mental health and substance abuse programs in this state; and

9. Designating the type of consumer that will be cared for at each facility and designating hospital or community mental health center districts for the purpose of determining to which facilities within the Department or community mental health centers persons committed from each county shall initially be sent. These designations may be changed from time to time.

B. The Commissioner or designee may delay inpatient admissions when such admissions would cause facilities to exceed their authorized capacity.

C. Consumers may be transferred from one facility to another within the Department on the authority of the Commissioner as provided for in the Mental Health Law.

D. The Commissioner shall have any other power necessary to implement the provisions of the Mental Health Law.

SECTION 5. AMENDATORY 43A O.S. 2001, Section 3-101, as last amended by Section 12, Chapter 195, O.S.L. 2005 (43A O.S. Supp. 2007, Section 3-101), is amended to read as follows:

Section 3-101. The facilities within the Department of Mental Health and Substance Abuse Services, which shall be maintained for residents of the state, are:

1. Griffin Memorial Hospital, Norman;
2. Oklahoma Forensic Center, Vinita;
3. Children's Recovery Center of Oklahoma ~~Youth Center~~, Norman;
4. Tulsa Center for Behavioral Health, Tulsa;
5. Carl Albert Community Mental Health Center, McAlester;
6. Jim Taliaferro Community Mental Health Center, Lawton;
7. Central Oklahoma Community Mental Health Center, Norman;
8. Bill Willis Community Mental Health and Substance Abuse Services Center, Tahlequah;

9. Northwest Center for Behavioral Health, Woodward;
10. Oklahoma County Crisis Intervention Center, Oklahoma City;
11. Norman Alcohol and Drug Treatment Center, Norman; and
12. Rose Rock Recovery Center, Vinita ~~Alcohol and Drug Treatment Center~~.

SECTION 6. AMENDATORY 43A O.S. 2001, Section 3-105, is amended to read as follows:

Section 3-105. A. The Children's Recovery Center of Oklahoma Youth Center, Norman, Oklahoma, is hereby created and designated a facility within the Department and shall be operated under the supervision of the Department. The Children's Recovery Center of Oklahoma Youth Center shall consist of:

1. The Adolescent Unit, a building constructed pursuant to the provisions of Section 10, Chapter 341, O.S.L. 1981, Section 20, Chapter 374, O.S.L. 1982, Section 32, Chapter 326, O.S.L. 1983 and Section 114, Chapter 296, O.S.L. 1984; and

2. The Leland Wolf Unit, formerly known and designated as the Leland Wolf Rehabilitation Center of Central State Griffin Memorial Hospital.

B. There is hereby created a petty cash fund for the Children's Recovery Center of Oklahoma Youth Center. The Director of State Finance and Commissioner of Mental Health and Substance Abuse Services are authorized to fix the maximum amount of this petty cash fund and the Director of State Finance shall prescribe the rules and procedures for the administration of this petty cash fund.

SECTION 7. AMENDATORY 43A O.S. 2001, Section 3-107, as amended by Section 11, Chapter 46, O.S.L. 2003 (43A O.S. Supp. 2007, Section 3-107), is amended to read as follows:

Section 3-107. A. There are hereby created and designated as facilities within the Department of Mental Health and Substance Abuse Services, the Norman Alcohol and Drug Treatment Center at

Norman and the ~~Vinita Alcohol and Drug Treatment~~ Rose Rock Recovery Center at Vinita. The facilities shall be operated under the supervision and administration of the Commissioner of Mental Health and Substance Abuse Services. It is the intent of the Legislature that the centers in Norman and Vinita utilize and receive business management, support services and medical ancillary services of the respective state facility where the center is located.

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

C. The Department of Mental Health and Substance Abuse Services is authorized to effect the transfer of property, records, equipment, supplies, funds, and encumbrances from Griffin Memorial Hospital to or from the Norman Alcohol and Drug Treatment Center; and to effect the transfer of property, records, equipment, supplies, funds, and encumbrances from the Oklahoma Forensic Center to or from the ~~Vinita Alcohol and Drug Treatment~~ Rose Rock Recovery Center.

SECTION 8. 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) for a ten-hour course; and

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

C. Ten percent (10%) of each fee collected shall be remitted by the institution or organization offering alcohol and drug substance abuse courses 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 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 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 of Mental Health and Substance Abuse 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.

SECTION 9. 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's 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 certification examination for the ten-hour alcohol and drug substance abuse course facilitator; 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 year to complete all training requirements. Failure to meet all requirements within one year shall result in denial of certification. To be reconsidered, the candidate shall be required to reapply to the Department.

SECTION 10. AMENDATORY 43A O.S. 2001, Section 3-460, as last amended by Section 8, Chapter 130, O.S.L. 2007 (43A O.S. Supp. 2007, Section 3-460), is amended to read as follows:

Section 3-460. A. The Department of Mental Health and Substance Abuse Services shall certify assessment personnel for the purpose of conducting alcohol and drug assessment and evaluation programs related to driver license revocation.

B. Application fees for certification of assessment personnel shall be set by the Department 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 One Hundred Fifty Dollars (\$150.00) upon triennial renewal.

C. The fee for those undergoing an assessment and evaluation pursuant to this section shall be ~~One Hundred Seventy-five Dollars (\$175.00), and ten percent (10%) of each fee collected shall be~~

~~remitted by the assessment agency or personnel 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. Five percent (5%) of each fee collected by the Department shall be used for the administrative costs related to providing such services. One Dollar (\$1.00) from each assessment fee collected shall be designated for training assessment personnel in the best practice, evaluation and assessment procedures~~ One Hundred Sixty Dollars (\$160.00). A fee of Fifteen Dollars (\$15.00) shall be remitted by the individual undergoing an assessment and evaluation directly to the Department of Public Safety pursuant to Section 6-212 of Title 47 of the Oklahoma Statutes.

1. The Department of Public Safety shall remit ninety percent (90%) of the Fifteen Dollar (\$15.00) fee 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 by the Department of Mental Health and Substance Abuse Services.

2. Ten percent (10%) of each Fifteen Dollar (\$15.00) fee collected by the Department of Public Safety pursuant to this section shall be deposited into the Department of Public Safety Revolving Fund, as created in Section 2-144.1 of Title 47 of the Oklahoma Statutes, to be used for administrative costs associated with the duties imposed by this section.

D. The Board of Mental Health and Substance Abuse Services is authorized to promulgate such rules as are necessary to implement the provisions of this act.

E. The Director of the Office of State Finance shall transfer any unobligated monies generated by the fees in subsection C of this section, deposited before the effective date of this act, 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.

SECTION 11. 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 12. AMENDATORY 43A O.S. 2001, Section 5-206, as last amended by Section 15, Chapter 97, O.S.L. 2006 (43A O.S. Supp. 2007, Section 5-206), is amended to read as follows:

Section 5-206. As used in Sections 5-206 through 5-209 of this title:

1. "Mental health evaluation" means the examination of a person, either in person or via telemedicine, who appears to have a mental illness or be alcohol- or drug-dependent by two licensed mental health professionals, at least one of whom is a psychiatrist who is a diplomat of the American Board of Psychiatry and Neurology, a licensed clinical psychologist, or a licensed Doctor of Medicine or Doctor of Osteopathy who has received specific training for and is experienced in performing mental health therapeutic, diagnostic, or counseling functions, for the purpose of:

- a. determining if a petition requesting involuntary commitment or treatment is warranted, or
- b. completing a certificate of evaluation pursuant to Section 5-414 of this title, or
- c. both subparagraphs a and b of this paragraph;

2. "Initial assessment (medical necessity review)" means the examination of a person, either in person or via telemedicine, who appears to be a mentally ill person, an alcohol-dependent person, or a drug-dependent person and a person requiring treatment, whose condition is such that it appears that emergency detention may be warranted by a licensed mental health professional at a facility approved by the Commissioner of Mental Health and Substance Abuse Services, or a designee, as appropriate for such examination to determine if emergency detention of the person is warranted;

3. "Emergency detention" means the detention of a person who appears to be a person requiring treatment in a facility approved by the Commissioner of Mental Health and Substance Abuse Services as appropriate for such detention after the completion of an emergency examination, either in person or via telemedicine, and a determination that emergency detention is warranted for a period not to exceed seventy-two (72) hours, excluding weekends and holidays,

except upon a court order authorizing detention beyond a seventy-two-hour period or pending the hearing on a petition requesting involuntary commitment or treatment as provided by this act;

4. "Protective custody" means the taking into protective custody and detention of a person pursuant to the provisions of Section 5-208 of this title until such time as an emergency examination is completed and a determination is made as to whether or not emergency detention is warranted; and

5. "Prehearing detention" means the court-ordered detention of a person who is alleged to be mentally ill, alcohol-dependent, or drug-dependent in a facility approved by the Commissioner as appropriate for such detention, pending a hearing on a petition requesting involuntary commitment or treatment as provided by Section 5-415 or 9-102 of this title.

SECTION 13. 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, with 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 14. 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 15. 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:

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)~~

1. A statement that a physician licensed in this state 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.

SECTION 16. 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:

~~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~~

1. A physician licensed in this state 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.

SECTION 17. 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 18. AMENDATORY 47 O.S. 2001, Section 6-212, as last amended by Section 12, Chapter 326, O.S.L. 2007 (47 O.S. Supp. 2007, Section 6-212), is amended to read as follows:

Section 6-212. A. The Department of Public Safety shall not assess and collect multiple reinstatement fees when reinstating the driving privilege of any person having more than one suspension or revocation affecting the person's driving privilege at the time of reinstatement.

B. The Department shall:

1. Suspend or revoke a person's driving privilege for each basis as delineated within the Oklahoma Statutes; and

2. Require any person having more than one suspension or revocation affecting the person's driving privilege to meet the statutory requirements for each action as a condition precedent to the reinstatement of any driving privilege. Provided, however, reinstatement fees shall not be cumulative, and a single reinstatement fee, as provided for in subsection C of this section, shall be paid for all suspensions or revocations as shown by the Department's records at the time of reinstatement.

C. Whenever a person's privilege to operate a motor vehicle is suspended or revoked pursuant to any provision as authorized by the Oklahoma Statutes, the license or privilege to operate a motor vehicle shall remain under suspension or revocation and shall not be reinstated until:

1. The expiration of each such revocation or suspension order;

2. The person has paid to the Department:

a. if such privilege is suspended or revoked pursuant to Section 1115.5 of Title 22 of the Oklahoma Statutes or pursuant to any provisions of this title, except as provided in subparagraph b of this paragraph, a processing fee of Twenty-five Dollars (\$25.00) for

each such suspension or revocation as shown by the Department's records, or

- b. (1) if such privilege is suspended or revoked pursuant to the provisions of Section 6-205, 6-205.1, 7-608, 7-612, 753, 754 or 761 of this title or pursuant to subsection A of Section 7-605 of this title for a conviction for failure to maintain the mandatory motor vehicle insurance required by law or pursuant to subsection B of Section 6-206 of this title for a suspension other than for points accumulation, a processing fee of Seventy-five Dollars (\$75.00) for each such suspension or revocation as shown by the Department's records, and a special assessment trauma-care fee of Two Hundred Dollars (\$200.00) to be deposited into the Trauma Care Assistance Revolving Fund created in Section 1-2522 of Title 63 of the Oklahoma Statutes, for each suspension or revocation as shown by the records of the Department, and
- (2) in addition to any other fees required by this section, if such privilege is suspended or revoked pursuant to an arrest on or after November 1, 2008, under the provisions of paragraph 2 or 6 of subsection A of Section 6-205 of this title or of Section 753, 754, or 761 of this title, a fee of Fifteen Dollars (\$15.00), which shall be apportioned pursuant to the provisions of Section 3-460 of Title 43A of the Oklahoma Statutes; and

3. The person has paid to the Department a single reinstatement fee of Twenty-five Dollars (\$25.00).

D. Effective July 1, 2002, and for each fiscal year thereafter:

1. Two Hundred Fifty Thousand Dollars (\$250,000.00) of all monies collected each month pursuant to this section shall be apportioned as provided in Section 1104 of this title, except as otherwise provided in this section; and

2. ~~All~~ Except as otherwise provided in this section, all other monies collected in excess of Two Hundred Fifty Thousand Dollars (\$250,000.00) each month shall be deposited in the General Revenue Fund.

SECTION 19. REPEALER 43A O.S. 2001, Section 2-202, as last amended by Section 2 of Enrolled House Bill No. 2765 of the 2nd Session of the 51st Oklahoma Legislature, is hereby repealed.

SECTION 20. REPEALER 43A O.S. 2001, Section 2-217, is hereby repealed.

SECTION 21. This act shall become effective November 1, 2008.

Passed the Senate the 22nd day of May, 2008.

Presiding Officer of the Senate

Passed the House of Representatives the 23rd day of May, 2008.

Presiding Officer of the House
of Representatives