

THE HOUSE OF REPRESENTATIVES  
Tuesday, April 8, 2008

Committee Substitute for  
ENGROSSED  
Senate Bill No. 2076

COMMITTEE SUBSTITUTE FOR 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:

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

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

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

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

1           3. "Mental illness" means a substantial disorder of thought, mood, perception,  
2 psychological orientation or memory that significantly impairs judgment, behavior,  
3 capacity to recognize reality or ability to meet the ordinary demands of life;

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

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

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

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

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

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

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

6           11. "Licensed mental health professional" means:

- 7           a. a psychiatrist who is a diplomate of the American Board of Psychiatry  
8 and Neurology,
- 9           b. a physician licensed pursuant to Section 480 et seq. or Section 620 et  
10 seq. of Title 59 of the Oklahoma Statutes who has received specific  
11 training for and is experienced in performing mental health  
12 therapeutic, diagnostic, or counseling functions,
- 13           c. a clinical psychologist who is duly licensed to practice by the State  
14 Board of Examiners of Psychologists,
- 15           d. a professional counselor licensed pursuant to Section 1901 et seq. of  
16 Title 59 of the Oklahoma Statutes,
- 17           e. a person licensed as a clinical social worker pursuant to the provisions  
18 of the Social Worker's Licensing Act,
- 19           f. a licensed marital and family therapist as defined in Section 1925.1 et  
20 seq. of Title 59 of the Oklahoma Statutes,
- 21           g. a licensed behavioral practitioner as defined in Section 1930 et seq. of  
22 Title 59 of the Oklahoma Statutes, ~~or~~

1 h. an advanced practice nurse as defined in Section 567.1 et seq. of Title  
2 59 of the Oklahoma Statutes specializing in mental health, or  
3 i. a physician's assistant who is licensed in good standing in this state  
4 and has received specific training for and is experienced in performing  
5 mental health therapeutic, diagnostic, or counseling functions;

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

8 13. a. "Person requiring treatment" means:

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

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

14 (3) a person who is unable to provide for and is not providing for his  
15 or her basic physical needs and that appropriate provision for  
16 those needs cannot be made immediately available in the  
17 community, and that without intervention there exists a  
18 substantial risk that severe impairment or injury will result to  
19 the person in the near future.

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

- 1                   (1) a person whose mental processes have been weakened or  
2   impaired by reason of advanced years,  
3                   (2) a mentally retarded or developmentally disabled person as  
4   defined in Title 10 of the Oklahoma Statutes,  
5                   (3) a person with seizure disorder, or  
6                   (4) a person with a traumatic brain injury;

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

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

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

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

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

- 1           b.     treatment methods and procedures to be used to obtain these goals,  
2                     which methods and procedures are related to each of these goals and  
3                     which include specific prognosis for achieving each of these goals,  
4           c.     identification of the types of professional personnel who will carry out  
5                     the treatment procedures, including appropriate medical or other  
6                     professional involvement by a physician or other health professional  
7                     properly qualified to fulfill legal requirements mandated under state  
8                     and federal law,  
9           d.     documentation of involvement by the individual receiving treatment  
10                    and, if applicable, the accordance of the individual with the treatment  
11                    plan, and  
12           e.     a statement attesting that the executive director of the facility or  
13                    clinical director has made a reasonable effort to meet the plan's  
14                    individualized treatment goals in the least restrictive environment  
15                    possible closest to the home community of the individual; ~~and~~

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

- 17           a.     a substantial risk of ~~immediate~~ physical harm in the near future to self  
18                    as manifested by evidence or serious threats of or attempts at suicide  
19                    or other significant self-inflicted bodily harm,  
20           b.     a substantial risk of ~~immediate~~ physical harm in the near future to  
21                    another person or persons as manifested by evidence of violent  
22                    behavior directed toward another person or persons, or

- 1 c. having placed another person or persons in a reasonable fear of violent  
2 behavior directed towards such person or persons or serious physical  
3 harm to them as manifested by serious and immediate threats,  
4 ~~d. there exists a substantial risk that without immediate intervention~~  
5 ~~severe impairment or injury will result to the person alleged to be a~~  
6 ~~person requiring treatment, or~~  
7 e. ~~a substantial risk of immediate serious physical injury to self, or~~  
8 ~~immediate death, as manifested by evidence that the person is unable~~  
9 ~~to provide for and is not providing for the basic physical needs of the~~  
10 ~~person and that appropriate provision for those needs cannot be made~~  
11 ~~immediately available in the community.~~

12 Unless a person also meets the criteria established in subparagraphs a, b, or c, ~~d~~, ~~or e~~ of  
13 this paragraph, “risk of harm to self or others” does not mean a person who is homeless;  
14 and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21               a.       the specific name or general designation of the program or person  
22                       permitted to make the disclosure,

- 1           b.     the name or title of the individual or the name of the organization to  
2                     which disclosure is to be made,  
3           c.     the name of the consumer whose records are to be released,  
4           d.     the purpose of the disclosure,  
5           e.     a description of the information to be disclosed,  
6           f.     the dated signature of the consumer or authorized representative or  
7                     both when required,  
8           g.     a statement of the right of the consumer to revoke the release in  
9                     writing and a description of how the consumer may do so,  
10          h.     an expiration date, event or condition which, if not revoked before,  
11                     shall ensure the release will last no longer than reasonably necessary  
12                     to serve the purpose for which it is given, and  
13          i.     if the release is signed by a person authorized to act for a consumer, a  
14                     description of the authority of such person to act.
- 15          2. A release is not valid if the document submitted has any of the following defects:
- 16           a.     the expiration date has passed or the expiration event or condition is  
17                     known to have occurred or to exist,  
18           b.     the release has not been filled out completely with respect to an  
19                     element described in paragraph 1 of this section,  
20           c.     the release is known to have been revoked, or  
21           d.     any material information in the release is known to be false.

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

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

8           4. Disclosure regarding a deceased consumer shall require either a court order or a  
9 written release of an executor, administrator or personal representative appointed by the  
10 court, or if there is no such appointment, by the spouse of the consumer or, if none, by  
11 any responsible member of the family of the consumer. As used in this paragraph,  
12 “responsible family member” means the parent, adult child, adult sibling or other adult  
13 relative who was actively involved in providing care to or monitoring the care of the  
14 patient as verified by the physician, psychologist or other person responsible for the care  
15 and treatment of such person.

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

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

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

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

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

17 4. Communications pursuant to a business associate agreement, qualified service  
18 organization agreement or a qualified service organization/business associate agreement.  
19 As used in this paragraph:

- 20 a. "business associate agreement" means a written signed agreement  
21 between a health care provider and an outside entity which performs  
22 or assists in the performance of a function or activity involving the use

1 or disclosure of individually identifiable health information on behalf  
2 of the health care provider,

3 b. “qualified service organization agreement” means a written, signed  
4 agreement between a health care provider and an outside entity which  
5 provides services to the health care provider’s consumers that are  
6 different from the services provided by the health care provider, that  
7 allows the health care provider to communicate consumer information  
8 necessary for the outside entity to provide services to the health care  
9 provider’s consumers without the need for an authorization signed by a  
10 consumer and in which the outside entity acknowledges that in  
11 receiving, storing, processing or otherwise dealing with any consumer  
12 information from the health care provider it is fully bound by the  
13 provisions of 42 C.F.R., Part 2 and, if necessary, will resist any efforts  
14 in judicial proceedings to obtain access to consumer information,  
15 except as permitted by 42 C.F.R., Part 2, and

16 c. “qualified service organization/business agreement” means a written,  
17 signed agreement between a health care provider and an outside entity  
18 which provides services to the health care provider’s consumers that  
19 are different from the services provided by the health care provider,  
20 that allows the health care provider to communicate consumer  
21 information necessary for the outside entity to provide services to the  
22 health care provider’s consumers without the need for an authorization

1 signed by a consumer, and in which the outside entity acknowledges  
2 that in receiving, storing, processing or otherwise dealing with any  
3 consumer information from the health care provider it is fully bound by  
4 the provisions 42 C.F.R., Part 2 and, if necessary, will resist any efforts  
5 in judicial proceedings to obtain access to consumer information,  
6 except as permitted by 42 C.F.R., Part 2. The agreement must also  
7 contain elements required by federal privacy regulations in 45 C.F.R.,  
8 Parts 160 & 164;

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

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

16 7. Communications necessary for audit and evaluation activities;

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

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

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

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

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

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

20           14. Mental health records may be disclosed to parties in a judicial or administrative  
21 proceeding in cases involving a claim for personal injury or death against any  
22 practitioner of the healing arts, a licensed hospital, or a nursing facility or nursing home

1 licensed pursuant to Section 1-1903 of Title 63 of the Oklahoma Statutes arising out of  
2 patient care, where any person has placed the physical or mental condition of that person  
3 in issue by the commencement of any action, proceeding, or suit for damages, or where  
4 any person has placed in issue the physical or mental condition of any other person or  
5 deceased person by or through whom the person rightfully claims;

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

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

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

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

20 1. One member, who shall be a physician licensed to practice in this state, and one  
21 member, who shall be a psychiatrist certified as a diplomate of the American Board of  
22 Psychiatry and Neurology, shall both be appointed from a list containing the names of

1 not less than three physicians and not less than three psychiatrists submitted to the  
2 Governor by the Oklahoma State Medical Association;

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

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

9 4. Three members, qualified by education and experience in the area of substance  
10 abuse recovery, who shall be appointed from a list of not less than ten names submitted  
11 to the Governor by a state association of substance abuse recovery programs or  
12 organizations for terms ending on December 31, 2002, December 31, 2004, and December  
13 31, 2006, respectively; and

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

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

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

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

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

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

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

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

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

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

20 A. The Commissioner of the Oklahoma Department of Mental Health and  
21 Substance Abuse Services shall have charge of the administration of the Department of  
22 Mental Health and Substance Abuse Services as directed by the Board of Mental Health

1 and Substance Abuse Services and shall be charged with the duty of carrying out the  
2 provisions of the Mental Health Law. The duties of the Commissioner shall include, but  
3 not be limited to, the following:

4 1. Supervising the activities of the Department;

5 2. Prescribing rules and regulations, as approved by the Board of Mental Health  
6 and Substance Abuse Services, for the efficient, uniform, and professional operation of  
7 the Department, consistent with the mission of the Department including the official  
8 forms used or described in this title;

9 3. Prescribing policies and procedures for the operation of the Department;

10 4. Employing necessary personnel to perform the duties of the Department,  
11 prescribing titles and duties, and fixing compensation including the employment of  
12 attorneys to provide legal assistance to the Department;

13 5. Accepting, using, disbursing, and administering grants, allotments, gifts,  
14 devises, bequests, appropriations, and other monies and property offered or given to the  
15 Department, or any component or agency thereof, by an agency of the federal government  
16 or any corporation or individual for the use of the Department;

17 6. Making contracts and agreements with other departments of this state to carry  
18 out the provisions of this section;

19 7. Acting as the official agency of this state in all matters relating to mental health  
20 or substance abuse which require or authorize cooperation of this state with the federal  
21 government or any agency thereof; coordinating the activities of the Department with  
22 those of the federal government or any department or agency thereof, and with other

1 states, on matters pertaining to mental health and substance abuse, and entering into  
2 agreements for such purpose;

3 8. Aiding, assisting, and cooperating with other state agencies, government  
4 entities, institutions of higher learning, public schools, and others interested in public  
5 education regarding the issues of mental health and substance abuse in the  
6 establishment of sound mental health and substance abuse programs in this state; and

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

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

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

17 D. The Commissioner may establish a Forensics Review Board to annually review  
18 the case of every consumer ordered to the custody of the Department through a “not  
19 guilty by reason of insanity” verdict. If established, the Forensics Review Board shall be  
20 composed of three (3) licensed mental health professionals, at least one of whom is  
21 licensed as a doctor of medicine, a doctor of osteopathy, or a licensed clinical psychologist,  
22 who shall be selected by the Commissioner.

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

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

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

- 8 1. Griffin Memorial Hospital, Norman;
- 9 2. Oklahoma Forensic Center, Vinita;
- 10 3. Children's Recovery Center of Oklahoma ~~Youth Center~~, Norman;
- 11 4. Tulsa Center for Behavioral Health, Tulsa;
- 12 5. Carl Albert Community Mental Health Center, McAlester;
- 13 6. Jim Taliaferro Community Mental Health Center, Lawton;
- 14 7. Central Oklahoma Community Mental Health Center, Norman;
- 15 8. Bill Willis Community Mental Health and Substance Abuse Services Center,  
16 Tahlequah;
- 17 9. Northwest Center for Behavioral Health, Woodward;
- 18 10. Oklahoma County Crisis Intervention Center, Oklahoma City;
- 19 11. Norman Alcohol and Drug Treatment Center, Norman; and
- 20 12. Rose Rock Recovery Center, Vinita ~~Alcohol and Drug Treatment Center~~.

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

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

5 1. The Adolescent Unit, a building constructed pursuant to the provisions of Section  
6 10, Chapter 341, O.S.L. 1981, Section 20, Chapter 374, O.S.L. 1982, Section 32, Chapter  
7 326, O.S.L. 1983 and Section 114, Chapter 296, O.S.L. 1984; and

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

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

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

18 Section 3-107. A. There are hereby created and designated as facilities within the  
19 Department of Mental Health and Substance Abuse Services, the Norman Alcohol and  
20 Drug Treatment Center at Norman and the ~~Vinita Alcohol and Drug Treatment~~ Rose  
21 Rock Recovery Center at Vinita. The facilities shall be operated under the supervision  
22 and administration of the Commissioner of Mental Health and Substance Abuse

1 Services. It is the intent of the Legislature that the centers in Norman and Vinita utilize  
2 and receive business management, support services and medical ancillary services of the  
3 respective state facility where the center is located.

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

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

15 SECTION 8. AMENDATORY 43A O.S. 2001, Section 3-453, as last amended by  
16 Section 7, Chapter 130, O.S.L. 2007 (43A O.S. Supp. 2007, Section 3-453), is amended to  
17 read as follows:

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

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

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

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

6 2. ~~Three Hundred Sixty Dollars (\$360.00)~~ Three Hundred Twenty-four Dollars  
7 (\$324.00) for a twenty-four-hour course.

8 C. ~~Ten percent (10%) of each fee collected~~ A twenty-dollar fee shall be remitted by  
9 the ~~institution or organization offering~~ individual attending the alcohol and drug  
10 substance abuse ~~courses~~ course directly to the Department of Public Safety upon  
11 reinstatement of the driving privileges of the person. The Department of Public Safety  
12 shall remit the fees collected pursuant to this section to the State Treasurer to be  
13 credited to the Community-based Substance Abuse Revolving Fund in the State Treasury  
14 and shall be used to provide substance abuse services to the indigent or to provide  
15 specialized training to alcohol and drug substance abuse course facilitators. ~~Five percent~~  
16 ~~(5%) of each fee collected by the Department shall be used for the administrative costs~~  
17 ~~related to providing such services.~~

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

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

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

3 1. Minimum curriculum requirements for such courses;

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

5 3. Minimum qualifications for course facilitators;

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

8 5. Attendance requirements; and

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

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

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

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

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

21 a. ~~possess a bachelor's degree in behavioral or health care sciences~~

22 ~~education, psychology, social work or chemical dependency,~~

- 1           b.    ~~possess at least two (2) years of verifiable full-time-equivalent~~  
2                   ~~experience in the addiction treatment field,~~
- 3           e.    ~~provide documentation verifying observation of one complete alcohol~~  
4                   ~~and drug substance abuse course conducted by a certified facilitator.~~  
5                   ~~Such observation must be completed and verified to the Department~~  
6                   ~~prior to attending facilitator training,~~
- 7           d.    ~~provide proof of attendance at a facilitator training session and pass~~  
8                   ~~the Department's certification examination for the ten-hour alcohol~~  
9                   ~~and drug substance abuse course facilitator, and~~
- 10          e.    ~~provide verification of having conducted a complete alcohol and drug~~  
11                   ~~substance abuse course under the supervision of a certified alcohol and~~  
12                   ~~drug substance abuse course facilitator or a Department~~  
13                   ~~representative;~~

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

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

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

1                   for the ~~twenty-four-hour alcohol and drug substance abuse course~~  
2                   facilitator, and  
3           b.       ~~conduct a complete twenty-four-hour alcohol and drug substance abuse~~  
4                   course under the supervision of a certified alcohol and drug substance  
5                   abuse course facilitator or a Department representative; and  
6        ~~6.~~ No more than twenty-four students shall be allowed in a given class.  
7        H. Any institution or organization authorized under this act to conduct an alcohol  
8        and drug substance abuse course shall certify to the Department of Public Safety all  
9        persons who successfully complete such course.  
10       I. Any person participating in a substance abuse treatment program recommended  
11       as a result of an assessment pursuant to Section 3-460 of this title shall be required to  
12       pay all or part of the actual cost incurred for treatment of the person, if the court  
13       determines the person has the ability to pay for all or part of the cost of treatment. The  
14       court shall determine the amount of reimbursement the person shall pay.  
15       J. Application fees for certification of course facilitators shall be set by the Board of  
16       Mental Health and Substance Abuse Services to defray the costs of administering the  
17       program and shall be:  
18           1. Not less than One Hundred Dollars (\$100.00) and not more than Two Hundred  
19        Dollars (\$200.00) upon initial application; and  
20           2. Not less than Twenty-five Dollars (\$25.00) and not more than Fifty Dollars  
21        (\$50.00) upon annual renewal.

1 K. The Director of the Office of State Finance shall transfer unobligated monies  
2 generated from the fees in subsection C of this section, deposited before November 1,  
3 2005, from the Department of Mental Health and Substance Abuse Services Revolving  
4 Fund to the Community-based Substance Abuse Revolving Fund, in amounts calculated  
5 by the Department.

6 SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma  
7 Statutes as Section 3-453.2 of Title 43A, unless there is created a duplication in  
8 numbering, reads as follows:

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

- 11 1. Possess a bachelor degree in behavioral or health care sciences education,  
12 psychology, social work or chemical dependency;
- 13 2. Possess at least two (2) years of verifiable full-time-equivalent experience in the  
14 addiction treatment field;
- 15 3. Provide documentation verifying observation of one complete alcohol and drug  
16 substance abuse course conducted by a certified facilitator, which shall be completed and  
17 verified to the Department prior to attending facilitator training;
- 18 4. Provide proof of attendance at a facilitator training session and pass the  
19 Department certification examination for the ten-hour alcohol and drug substance abuse  
20 course facilitator; and

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

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

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

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

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

13          C. Alcohol and drug substance abuse course facilitator candidates shall be allowed  
14 one (1) year to complete all training requirements. Failure to meet all requirements  
15 within one (1) year shall result in denial of certification. To be reconsidered, the  
16 candidate shall be required to reapply to the Department.

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

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

1 B. Application fees for certification of assessment personnel shall be set by the  
2 Department to defray the costs of administering the program and shall be:

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

5 2. Not less than Twenty-five Dollars (\$25.00) and not more than One Hundred Fifty  
6 Dollars (\$150.00) upon triennial renewal.

7 C. The fee for those undergoing an assessment and evaluation pursuant to this  
8 section shall be ~~One Hundred Seventy-five Dollars (\$175.00), and ten percent (10%) of~~  
9 ~~each fee collected shall be remitted by the assessment agency or personnel~~ One Hundred  
10 Sixty Dollars (\$160.00). A fifteen-dollar fee shall be remitted by the individual  
11 undergoing an assessment and evaluation directly to the Department of Public Safety  
12 upon reinstatement of the driving privileges of that person. The Department of Public  
13 Safety shall remit the fees collected pursuant to this section to the State Treasurer to be  
14 credited to the Community-based Substance Abuse Revolving Fund in the State Treasury  
15 and shall be used to provide substance abuse services to the indigent. ~~Five percent (5%)~~  
16 ~~of each fee collected by the Department shall be used for the administrative costs related~~  
17 ~~to providing such services. One Dollar (\$1.00) from each assessment fee collected shall~~  
18 ~~be designated for training assessment personnel in the best practice, evaluation and~~  
19 ~~assessment procedures~~ or to provide specialized training to alcohol and drug substance  
20 abuse course assessors.

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

1 E. The Director of the Office of State Finance shall transfer any unobligated monies  
2 generated by the fees in subsection C of this section, deposited before the effective date of  
3 this act, from the Department of Mental Health and Substance Abuse Services Revolving  
4 Fund to the Community-based Substance Abuse Revolving Fund, in amounts calculated  
5 by the Department.

6 SECTION 11. AMENDATORY 43A O.S. 2001, Section 5-101, as last amended  
7 by Section 10, Chapter 130, O.S.L. 2007 (43A O.S. Supp. 2007, Section 5-101), is  
8 amended to read as follows:

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

- 16 1. Emergency admission;
- 17 2. On voluntary application; or
- 18 3. On involuntary court commitment.

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

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

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

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

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

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

17 1. "Mental health evaluation" means the examination of a person, either in person  
18 or via telemedicine, who appears to have a mental illness or be alcohol- or drug-  
19 dependent by two licensed mental health professionals, at least one of whom is a  
20 psychiatrist who is a diplomat of the American Board of Psychiatry and Neurology, a  
21 licensed clinical psychologist, or a licensed Doctor of Medicine or Doctor of Osteopathy

1 who has received specific training for and is experienced in performing mental health  
2 therapeutic, diagnostic, or counseling functions, for the purpose of:

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

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

15 3. “Emergency detention” means the detention of a person who appears to be a  
16 person requiring treatment in a facility approved by the Commissioner of Mental Health  
17 and Substance Abuse Services as appropriate for such detention after the completion of  
18 an emergency examination, either in person or via telemedicine, and a determination  
19 that emergency detention is warranted for a period not to exceed seventy-two (72) hours,  
20 excluding weekends and holidays, except upon a court order authorizing detention  
21 beyond a seventy-two-hour period or pending the hearing on a petition requesting  
22 involuntary commitment or treatment as provided by this act;

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

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

10           SECTION 13.    AMENDATORY    43A O.S. 2001, Section 5-304, as last amended  
11 by Section 41, Chapter 150, O.S.L. 2005 (43A O.S. Supp. 2007, Section 5-304), is  
12 amended to read as follows:

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

16           B. The executive director in charge of any state facility or licensed private hospital  
17 for care and treatment of the mentally ill may at his or her discretion receive and retain  
18 therein as a consumer:

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

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

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

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

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

13           ~~Mental Health Law Form 19.~~

14           ~~VOLUNTARY APPLICATION FOR ADMISSION TO THE EXECUTIVE~~  
15 ~~DIRECTOR OF THE FACILITY \_\_\_\_\_ AT \_\_\_\_\_~~

16           ~~Application is hereby made for my admission to the above named facility within the~~  
17 ~~Department of Mental Health and Substance Abuse Services as a voluntary consumer~~  
18 ~~under the provisions of the Oklahoma Mental Health Law.~~

19           Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

20                                 \_\_\_\_\_Applicant

21                                 \_\_\_\_\_Address

22           Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

1 \_\_\_\_\_  
2 Notary Public

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

6 SECTION 14. AMENDATORY 43A O.S. 2001, Section 5-305, as last amended  
7 by Section 42, Chapter 150, O.S.L. 2005 (43A O.S. Supp. 2007, Section 5-305), is  
8 amended to read as follows:

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

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

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

15 ~~IN THE DISTRICT COURT OF \_\_\_\_\_ COUNTY, OKLAHOMA~~

16 ~~In the Matter of the Mental Health of No. \_\_\_\_\_~~

17 ~~on the Mental Health Consumer Docket~~

18 ~~APPLICATION FOR VOLUNTARY ADMISSION TO MENTAL FACILITY~~

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

21 \_\_\_\_\_

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

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

9 Father: \_\_\_\_\_

10 Mother: \_\_\_\_\_

11 Spouse: \_\_\_\_\_

12 Adult Children: \_\_\_\_\_

13 Other: \_\_\_\_\_

14 Dated this \_\_\_\_ day of \_\_\_\_, 20\_\_.

15 \_\_\_\_\_

16 —(Signature)

17 SECTION 15. AMENDATORY 43A O.S. 2001, Section 5-306, as last amended  
18 by Section 43, Chapter 150, O.S.L. 2005 (43A O.S. Supp. 2007, Section 5-306), is  
19 amended to read as follows:

20 Section 5-306. The application described in Section 5-305 of this title shall be  
21 accompanied by a certificate in duplicate signed by a licensed doctor of medicine or  
22 osteopathic physician who is duly licensed to practice his such profession by the

1 Oklahoma State Board of Medical Licensure and Supervision or the Oklahoma Board of  
2 Osteopathic Examiners, who is not related by blood or marriage to the person being  
3 examined, and who has no interest in the estate of the person being examined. This  
4 certificate ~~may be substantially in the following form~~ shall include the following:

5 **CERTIFICATE OF PHYSICIAN**

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

9 I further certify that I have explained to this person that if he/she is admitted to a  
10 facility for the mentally ill as a voluntary consumer, the medical staff may find it  
11 necessary or desirable to give a course of treatment requiring an extended period of time,  
12 and that it is not the legislative policy of the state to authorize the expenditure of public  
13 funds for the commencement of an expensive treatment unless the consumer desires to  
14 continue that treatment for the length of time that the attending physicians believe is  
15 likely to give adequate benefit to the consumer; and I have also explained that it may  
16 become necessary to give treatment which may temporarily weaken the system of the  
17 consumer so that it would be injurious to his/her health to release him/her immediately  
18 upon his/her request; and that therefore the executive director or designee of the facility  
19 has authority under the law to detain the consumer in the hospital for as long as  
20 seventy-two (72) hours after the consumer gives written notice to the executive director  
21 of his/her desire to leave the hospital pursuant to Section 5-208 of Title 43A of the  
22 Oklahoma Statutes.

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

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

8 \_\_\_\_\_

9 (Signature of doctor of medicine  
10 or osteopathic physician)

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

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

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

17 4. A statement that the person may not be held at the facility for longer than  
18 seventy-two (72) hours, excluding weekends and holidays, past the time when such  
19 person has revoked consent to stay for treatment;

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

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

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

4        SECTION 16.    AMENDATORY    43A O.S. 2001, Section 5-308, as amended by  
5 Section 45, Chapter 150, O.S.L. 2005 (43A O.S. Supp. 2007, Section 5-308), is amended to  
6 read as follows:

7        Section 5-308. The order of the judge of the district court authorizing the admission  
8 of an applicant as a voluntary consumer pursuant to the provisions of the Mental  
9 Hospital Voluntary Admission Procedures Act ~~may be in substantially the following form~~  
10 shall contain the following findings:

11        ~~IN THE COUNTY COURT OF \_\_\_\_\_ COUNTY, OKLAHOMA~~

12 ~~In the Matter of the~~

13 ~~Mental Health of \_\_\_\_\_ No. \_\_\_\_\_~~

14 ~~\_\_\_\_\_ on the Mental Health~~

15 ~~Consumer \_\_\_\_\_ Docket~~

16        ~~ORDER AUTHORIZING ADMISSION TO MENTAL HOSPITAL~~

17        ~~\_\_\_\_\_ OF VOLUNTARY CONSUMER~~

18        ~~Now on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the above named \_\_\_\_\_ having appeared before~~  
19 ~~me as county judge of this county and state, with his/her application to be admitted as a~~  
20 ~~voluntary consumer to the \_\_\_\_\_ Hospital, a state hospital for the mentally ill located at~~  
21 ~~\_\_\_\_\_, together with a certificate signed by \_\_\_\_\_, a doctor of medicine or osteopathic~~

1 physician, with offices at \_\_\_\_\_, Oklahoma, such certificate being in the form provided by  
2 the Mental Hospital Voluntary Admission Procedures Act.

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

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

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

16 \_\_\_\_\_  
17 Judge of the District Court

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

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

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

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

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

4        SECTION 17.    AMENDATORY    43A O.S. 2001, Section 8-105, as amended by  
5 Section 65, Chapter 150, O.S.L. 2005 (43A O.S. Supp. 2007, Section 8-105), is amended to  
6 read as follows:

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

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

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

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

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

4 REQUEST FOR COMMITMENT TO A  
5 PRIVATE HOSPITAL OR  
6 FACILITY

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

16 Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

17 \_\_\_\_\_

18 Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

19 \_\_\_\_\_

20 —Notary Public

21 STATEMENT OF ATTENDING

22 PHYSICIAN

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

5 Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

6 \_\_\_\_\_  
7 Attending Physician

8 STATEMENT OF PERSON IN CHARGE  
9 OF PRIVATE HOSPITAL  
10 OR FACILITY

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

17 \_\_\_\_\_  
18 SECTION 18. REPEALER 43A O.S. 2001, Section 2-202, as last amended by  
19 Section 8, Chapter 150, O.S.L. 2005 (43A O.S. Supp. 2007, Section 2-202), is hereby  
20 repealed.

21 SECTION 19. REPEALER 43A O.S. 2001, Section 2-217, is hereby repealed.

22 SECTION 20. This act shall become effective November 1, 2008.

1 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 04-07-08 - DO  
2 PASS, As Amended.