

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 2700

By: McDaniel (Randy)

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5  
6 AS INTRODUCED

7 An Act relating to mental health; amending Section  
8 10, Chapter 97, O.S.L. 2006, as amended by Section 6,  
9 Chapter 130, O.S.L. 2007 (43A O.S. Supp. 2007,  
10 Section 3-325), which relates to the authority to  
11 contract; prohibiting the Department of Mental Health  
12 and Substance Abuse Services from entering into  
13 contracts with uncertified pornography addiction  
14 treatment programs; creating the Certified  
15 Pornography Addiction Treatment Program; providing  
16 for the Department of Mental Health and Substance  
17 Abuse Services to promulgate rules for pornography  
18 addiction treatment programs; providing for  
19 certification application procedures, certification  
20 period and program compliance inspections; providing  
21 certification exemptions and nonapplication;  
22 exempting other state agency programs and services;  
23 requiring cooperation and reporting by certified  
24 programs and providing for certification revocation  
for noncompliance; authorizing fees; specifying  
entities that may bring injunctive action; providing  
for violation; providing that certain action shall be  
prima facie evidence; providing for codification; and  
providing an effective date.

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

SECTION 1. AMENDATORY Section 10, Chapter 97, O.S.L.  
2006, as amended by Section 6, Chapter 130, O.S.L. 2007 (43A O.S.  
Supp. 2007, Section 3-325), is amended to read as follows:

1 Section 3-325. A. The Department of Mental Health and  
2 Substance Abuse Services is hereby authorized to contract with  
3 public and private entities it certifies, as required by law, for  
4 the purpose of providing treatment, evaluation, prevention and other  
5 services related to the duties of the Department set forth in this  
6 title.

7 B. The Department of Mental Health and Substance Abuse Services  
8 shall not enter into a contract with any of the following programs  
9 unless such program has been certified by the Department pursuant to  
10 the provisions of this title:

- 11 1. Community mental health centers;
- 12 2. Community residential mental health programs;
- 13 3. Programs of assertive community treatment;
- 14 4. Eating disorder treatment programs;
- 15 5. Gambling addiction treatment programs;
- 16 6. Pornography addiction treatment programs;
- 17 7. Programs providing alcohol or drug abuse treatment services  
18 as set forth under the Oklahoma Alcohol and Drug Services Act;
- 19 ~~7.~~ 8. Community-based structured crisis centers; and
- 20 ~~8.~~ 9. Mental health facilities.

21 SECTION 2. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 3-326 of Title 43A, unless there  
23 is created a duplication in numbering, reads as follows:

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1       A. The Board of Mental Health and Substance Abuse Services  
2 shall promulgate rules and standards for certification of  
3 pornography addiction treatment programs and for private facilities  
4 and organizations which offer pornography addiction treatment  
5 services in this state. These facilities and organizations shall be  
6 known as "Certified Pornography Addiction Treatment Programs".

7       B. Applications for certification as a certified pornography  
8 addiction treatment program, pursuant to the provisions of this  
9 section, shall be made to the Department of Mental Health and  
10 Substance Abuse Services on prescribed forms. The Board, or the  
11 Commissioner of Mental Health and Substance Abuse Services upon  
12 delegation by the Board, may certify the program for a period of  
13 three (3) years, subject to renewal as provided in rules promulgated  
14 by the Board. Nothing in this section shall preclude the Department  
15 from making inspection visits to a program to determine program  
16 compliance.

17       C. Hospitals licensed by the State Department of Health shall  
18 be exempt from certification requirements. In addition, licensed  
19 physicians, licensed psychologists, licensed social workers,  
20 individual members of the clergy, licensed marital and family  
21 therapists, registered nurses, licensed behavioral practitioners,  
22 and licensed professional counselors shall be exempt from  
23 certification requirements; provided, however, these exemptions  
24 shall only apply to individual professional persons in their private

1 practices and not to any pornography addiction treatment program  
2 operated by the person.

3 D. Facilities providing services for pornography addiction  
4 shall comply with standards promulgated by the Board; provided, that  
5 the certification requirements and standards shall not apply to  
6 programs and services offered by other state agencies. The  
7 pornography addiction treatment programs certified pursuant to the  
8 provisions of this section shall cooperate with inspection personnel  
9 of the state and shall promptly file all reports required by the  
10 Department. Failure to comply with rules and standards of the Board  
11 shall be ground for revocation of certification, after proper notice  
12 and hearing.

13 E. The Department of Mental Health and Substance Abuse Services  
14 is authorized to establish and collect certification and renewal  
15 fees for certification of pornography addiction treatment programs  
16 as provided in Section 3-324 of this Title 43A of the Oklahoma  
17 Statutes.

18 SECTION 3. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 3-327 of Title 43A, unless there  
20 is created a duplication in numbering, reads as follows:

21 A. The Attorney General, the Department of Mental Health and  
22 Substance Abuse Services, or any district attorney may bring an  
23 action for an injunction against any pornography addiction treatment  
24 program found to be in violation of the provisions of Section 3-325

1 of Title 43A of the Oklahoma Statutes, or any order or determination  
2 of the Department.

3 B. In any action for an injunction brought pursuant to the  
4 provisions of this section, any findings of the Department, after  
5 hearing and due notice, shall be prima facie evidence of the facts  
6 found therein.

7 SECTION 4. This act shall become effective November 1, 2008.

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