

1 STATE OF OKLAHOMA

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

3 SENATE BILL 2076

By: Sparks

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5
6 AS INTRODUCED

7 An Act relating to mental health; amending 43A O.S.
8 2001, Section 1-103, as last amended by Section 1,
9 Chapter 97, O.S.L. 2006 (43A O.S. Supp. 2007, Section
10 1-103), which relates to mental health definitions;
11 modifying definitions; amending 43A O.S. 2001,
12 Section 3-453, as last amended by Section 7, Chapter
13 130, O.S.L. 2007 (43A O.S. Supp. 2007, Section 3-
14 453), which relates to alcohol and drug substance
15 abuse courses; modifying certain fees; redirecting
16 certain fee; directing the Department of Public
17 Safety to remit certain fee; clarifying language;
18 deleting requirements for alcohol and drug substance
19 abuse course facilitators; providing requirements for
20 alcohol and drug substance abuse course facilitators;
21 amending 43A O.S. 2001, Section 5-101, as last
22 amended by Section 10, Chapter 130, O.S.L. 2007 (43A
23 O.S. Supp. 2007, Section 5-101), which relates to
24 methods of admission; deleting references to certain
facilities; amending 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), which relates
to voluntary admission to facilities; modifying
consent requirements for minors; deleting certain
form for voluntary application; amending 43A O.S.
2001, Section 5-305, as last amended by Section 2,
Chapter 150, O.S.L. 2005 (43A O.S. Supp. 2007,
Section 5-305), which relates to application for
voluntary admission to facilities; deleting certain
application for voluntary admission; amending 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), which relates to certificates for
voluntary admission; directing contents of certain
certificate; deleting certain certificate of
physician; amending 43A O.S. 2001, Section 5-308, as

1 amended by Section 45, Chapter 150, O.S.L. 2005 (43A
2 O.S. Supp. 2007, Section 5-308), which relates to
3 court orders for voluntary admission; requiring
4 certain findings; deleting form for certain court
5 order; amending 43A O.S. 2001, Section 8-105, as
6 amended by Section 65, Chapter 150, O.S.L. 2005 (43A
7 O.S. Supp. 2007, Section 8-105), which relates to
8 procedures for court certification; deleting certain
9 form for commitment to facilities; repealing 43A O.S.
10 2001, Section 2-217, which relates to sales or
11 acceptance of gifts or fees by employees of the
12 Department of Mental Health and Substance Abuse
13 Services; providing for codification; and providing
14 an effective date.

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

16 SECTION 1. AMENDATORY 43A O.S. 2001, Section 1-103, as
17 last amended by Section 1, Chapter 97, O.S.L. 2006 (43A O.S. Supp.
18 2007, Section 1-103), is amended to read as follows:

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

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

24 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;

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

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

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

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

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

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

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

11 11. "Licensed mental health professional" means:

- 12 a. a psychiatrist who is a diplomate of the American
13 Board of Psychiatry and Neurology,
- 14 b. a physician licensed pursuant to Section 480 et seq.
15 or Section 620 et seq. of Title 59 of the Oklahoma
16 Statutes who has received specific training for and is
17 experienced in performing mental health therapeutic,
18 diagnostic, or counseling functions,
- 19 c. a clinical psychologist who is duly licensed to
20 practice by the State Board of Examiners of
21 Psychologists,
- 22 d. a professional counselor licensed pursuant to Section
23 1901 et seq. of Title 59 of the Oklahoma Statutes,

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- 1 e. a person licensed as a clinical social worker pursuant
2 to the provisions of the Social Worker's Licensing
3 Act,
- 4 f. a licensed marital and family therapist as defined in
5 Section 1925.1 et seq. of Title 59 of the Oklahoma
6 Statutes,
- 7 g. a licensed behavioral practitioner as defined in
8 Section 1930 et seq. of Title 59 of the Oklahoma
9 Statutes, ~~or~~
- 10 h. an advanced practice nurse as defined in Section 567.1
11 et seq. of Title 59 of the Oklahoma Statutes
12 specializing in mental health; or
- 13 i. a physician's assistant who is licensed in good
14 standing in the state and has received specific
15 training for and is experienced in performing mental
16 health therapeutic, diagnostic, or counseling
17 functions;

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

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

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

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

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

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

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

12 (3) a person with seizure disorder, or

13 (4) a person with a traumatic brain injury;

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

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

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

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

- 5 a. a statement of treatment goals or objectives, based
6 upon and related to a clinical evaluation, which can
7 be reasonably achieved within a designated time
8 interval,
- 9 b. treatment methods and procedures to be used to obtain
10 these goals, which methods and procedures are related
11 to each of these goals and which include specific
12 prognosis for achieving each of these goals,
- 13 c. identification of the types of professional personnel
14 who will carry out the treatment procedures, including
15 appropriate medical or other professional involvement
16 by a physician or other health professional properly
17 qualified to fulfill legal requirements mandated under
18 state and federal law,
- 19 d. documentation of involvement by the individual
20 receiving treatment and, if applicable, the
21 accordance of the individual with the treatment plan,
22 and
- 23 e. a statement attesting that the executive director of
24 the facility or clinical director has made a

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

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

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

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

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

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

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

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

7 SECTION 2. AMENDATORY 43A O.S. 2001, Section 3-453, as
8 last amended by Section 7, Chapter 130, O.S.L. 2007 (43A O.S. Supp.
9 2007, Section 3-453), is amended to read as follows:

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

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

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

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

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

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

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

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

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

- 19 1. Minimum curriculum requirements for such courses;
- 20 2. Facilities, equipment and instructional materials for such
21 courses;
- 22 3. Minimum qualifications for course facilitators;

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

4 5. Attendance requirements; and

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

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

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

16 2. Each such course shall consist of no more than two (2) hours
17 of education on any given day, nor more than four (4) hours in a
18 given week, and shall not contain more than ten percent (10%) films
19 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~~
22 ~~care sciences education, psychology, social work or~~
23 ~~chemical dependency,~~

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

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

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

1 ~~a. attend the twenty four hour alcohol and drug substance~~
2 ~~abuse course facilitator training and pass the~~
3 ~~Department certification examination for the twenty~~
4 ~~four hour alcohol and drug substance abuse course~~
5 ~~facilitator, and~~

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

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

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

16 I. Any person participating in a substance abuse treatment
17 program recommended as a result of an assessment pursuant to Section
18 3-460 of this title shall be required to pay all or part of the
19 actual cost incurred for treatment of the person, if the court
20 determines the person has the ability to pay for all or part of the
21 cost of treatment. The court shall determine the amount of
22 reimbursement the person shall pay.

23 J. Application fees for certification of course facilitators
24 shall be set by the Board of Mental Health and Substance Abuse

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

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

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

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

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

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

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

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

24

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

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

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

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

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

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

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

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

4 SECTION 4. AMENDATORY 43A O.S. 2001, Section 5-101, as
5 last amended by Section 10, Chapter 130, O.S.L. 2007 (43A O.S. Supp.
6 2007, Section 5-101), is amended to read as follows:

7 Section 5-101. A. Any person who has a mental illness or is
8 alcohol- or drug-dependent to a degree which warrants inpatient
9 treatment or care, and who is not in confinement in any jail,
10 ~~detention, lockup,~~ or correctional facility on a criminal charge or
11 conviction and who has no criminal charges pending against him or
12 her, may be admitted to and confined in a facility within the
13 Department of Mental Health and Substance Abuse Services, a state
14 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-
20 dependent to a degree which warrants inpatient treatment or care and
21 who has criminal charges pending against him or her but is not
22 confined in any jail, ~~detention, lockup,~~ or correctional facility
23 may be admitted to a facility within the Department or a licensed
24 private institution pursuant to the provisions of subsection A of

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

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

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

16 SECTION 5. AMENDATORY 43A O.S. 2001, Section 5-304, as
17 last amended by Section 41, Chapter 150, O.S.L. 2005 (43A O.S. Supp.
18 2007, Section 5-304), is amended to read as follows:

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

22 B. The executive director in charge of any state facility or
23 licensed private hospital for care and treatment of the mentally ill
24

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

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

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

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

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

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

20 ~~Mental Health Law Form 19.~~

21 ~~VOLUNTARY APPLICATION FOR ADMISSION TO THE EXECUTIVE DIRECTOR OF~~
22 ~~THE FACILITY _____ AT _____~~

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

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

3 Dated this ____ day of ____, 20__.

4 _____ Applicant

5 _____ Address

6 Subscribed and sworn to before me this ____ day of ____, 20__.

7 _____

8 Notary Public

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

13 SECTION 6. AMENDATORY 43A O.S. 2001, Section 5-305, as
14 last amended by Section 2, Chapter 150, O.S.L. 2005 (43A O.S. Supp.
15 2007, Section 5-305), is amended to read as follows:

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

- 20 1. Of the county in which the person resides; or
- 21 2. Of the county in which a state hospital for the mentally ill
- 22 is located. ~~The application may be in substantially the following~~
- 23 ~~form:~~

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

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

2 ~~on the Mental Health Consumer Docket~~

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

4 I declare that my name is _____, that I am _____ years of age, and
5 that I reside in _____ County, Oklahoma, my permanent residence
6 address being as follows:

7 _____

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

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

19 Father: _____

20 Mother: _____

21 Spouse: _____

22 Adult Children: _____

23 Other: _____

24 Dated this _____ day of _____, 20__.

(Signature)

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

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

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

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

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

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

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

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

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

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

8 ~~CERTIFICATE OF PHYSICIAN~~

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

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

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

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

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

17 _____
18 ~~(Signature of doctor of medicine~~
19 ~~or osteopathic physician)~~

20 SECTION 8. AMENDATORY 43A O.S. 2001, Section 5-308, as
21 amended by Section 45, Chapter 150, O.S.L. 2005 (43A O.S. Supp.
22 2007, Section 5-308), is amended to read as follows:

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

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

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

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

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

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

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

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

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

20 ~~_____ on the Mental Health~~
21 ~~Consumer _____ Docket~~

22 ~~ORDER AUTHORIZING ADMISSION TO MENTAL HOSPITAL~~
23 ~~_____ OF VOLUNTARY CONSUMER~~

24

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

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

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

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

24 _____

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

5 ~~REQUEST FOR COMMITMENT TO A~~
6 ~~PRIVATE HOSPITAL OR~~
7 ~~FACILITY~~

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

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

21 ~~_____~~

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

23 ~~_____~~

24 ~~— Notary Public~~

1 STATEMENT OF ATTENDING

2 PHYSICIAN

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

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

9 _____

10 Attending Physician

11 STATEMENT OF PERSON IN CHARGE

12 OF PRIVATE HOSPITAL

13 OR FACILITY

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

22 _____

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

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

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3 51-2-3014 JM 1/22/2008 5:56:23 PM
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