

1 ENGROSSED HOUSE  
2 BILL NO. 2999

By: Steele and McAffrey of the  
House

3 and

4 Brown of the Senate  
5  
6

7 An Act relating to mental health; amending 43A O.S.  
8 2001, Section 2-103, as last amended by Section 3,  
9 Chapter 401, O.S.L. 2008 (43A O.S. Supp. 2009,  
10 Section 2-103), which relates to the Board of Mental  
11 Health and Substance Abuse Services; modifying  
12 membership of the Board of Mental Health and  
13 Substance Abuse Services; providing for services by  
14 certified alcohol and drug counselor providers  
15 through certain date; providing for interpretation;  
16 providing for codification; and providing an  
17 effective date.

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

19 SECTION 1. AMENDATORY 43A O.S. 2001, Section 2-103, as  
20 last amended by Section 3, Chapter 401, O.S.L. 2008 (43A O.S. Supp.  
21 2009, Section 2-103), is amended to read as follows:

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

1. One member, who shall be a physician licensed to practice in  
this state, and one member, who shall be a psychiatrist certified as  
a diplomate of the American Board of Psychiatry and Neurology, shall

1 both be appointed from a list containing the names of not less than  
2 three physicians and not less than three psychiatrists submitted to  
3 the Governor by the Oklahoma State Medical Association;

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

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

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

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

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

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

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

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

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

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

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

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

1           SECTION 2.           NEW LAW           A new section of law to be codified  
2 in the Oklahoma Statutes as Section 3-406.1 of Title 43A, unless  
3 there is created a duplication in numbering, reads as follows:

4           A. Until June 30, 2013, the Board of Mental Health and Substance  
5 Abuse Services and the Oklahoma Health Care Authority Board shall  
6 continue to purchase, on a fee-for-service basis, treatment services  
7 provided by certified alcohol and drug counselors, as defined in  
8 Chapter 43B, Section 1871 of Title 59 of the Oklahoma Statutes,  
9 provided such services are provided by certified alcohol and drug  
10 counselors employed by organizations under contract with the Board  
11 of Mental Health and Substance Abuse Services or the Oklahoma Health  
12 Care Authority Board.

13           B. Nothing in this section shall prohibit the Board of Mental  
14 Health and Substance Abuse Services or the Oklahoma Health Care  
15 Authority Board from initiating or terminating contracts with  
16 certified substance abuse providers, establishing contract limits,  
17 developing or modifying reimbursement schedules, or otherwise  
18 managing appropriated resources on behalf of the state.

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