

THE HOUSE OF REPRESENTATIVES
Thursday, February 12, 2009

Committee Substitute for
House Bill No. 1067

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1067 - By: FAUGHT of the House and CRAIN of the Senate.

An Act relating to mental health; amending 43A O.S. 2001, Section 5-208, as last amended by Section 17, Chapter 97, O.S.L. 2006 (43A O.S. Supp. 2008, Section 5-208), which relates to initial assessments and emergency detention; requiring drug and alcohol screening and assessment process at time of initial assessment; and providing an effective date.

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

1 SECTION 1. AMENDATORY 43A O.S. 2001, Section 5-208, as last amended by
2 Section 17, Chapter 97, O.S.L. 2006 (43A O.S. Supp. 2008, Section 5-208), is amended to
3 read as follows:
4 Section 5-208. A. 1. A consumer in protective custody as provided by Section 5-207
5 of this title shall be subject to an initial assessment at the appropriate facility by a
6 licensed mental health professional within twelve (12) hours of being placed in protective
7 custody for the purpose of determining whether emergency detention of the consumer is
8 warranted. The initial assessment of the consumer shall include an appropriate
9 screening and assessment process, as determined by the Department of Mental Health
10 and Substance Abuse Services, designed to identify possible alcohol or drug abuse or
11 dependency.

1 2. If, upon examination, the licensed mental health professional determines that
2 the consumer is not a person requiring treatment or that the condition of the consumer is
3 such that emergency detention is not warranted, the consumer shall either be returned
4 by an officer immediately to the point where the consumer was taken into protective
5 custody and released or taken to the home or residence of such consumer or to an
6 alternative facility. If the home or residence of the consumer is a nursing home or group
7 home, such home shall not refuse the return of the consumer to his or her residence.

8 3. If, upon examination, the licensed mental health professional determines that
9 the consumer is a person requiring treatment to a degree that emergency detention is
10 warranted, the licensed mental health professional shall immediately prepare a
11 statement describing the findings of the examination and stating the basis for the
12 determination, and the consumer shall be detained in emergency detention for a period
13 not to exceed seventy-two (72) hours, excluding weekends and holidays, except upon a
14 court order authorizing detention pending a hearing on a petition requesting involuntary
15 commitment or treatment.

16 4. During the emergency detention period:

- 17 a. a mental health evaluation of the consumer shall be conducted by two
18 licensed mental health professionals and, if the consumer appears to
19 have a mental illness or be alcohol- or drug-dependent and be a
20 consumer requiring treatment, and

1 the point where he or she was taken into protective custody, or if the consumer had not
2 been in protective custody, the consumer shall be taken to the home or residence of the
3 consumer or to an alternative facility. If the home or residence of the consumer is a
4 nursing home or group home, it shall not refuse the return of the consumer to his or her
5 residence.

6 D. Whenever it appears that a person detained as provided by this section will
7 require treatment beyond the period of emergency detention and the person has refused
8 to consent to voluntary treatment, a licensed mental health professional conducting an
9 evaluation of the person or the executive director of the facility in which the person is
10 being detained, or the designee of the executive director, shall immediately file a petition
11 or request the district attorney to file a petition with the district court as provided by
12 Section 5-410 of this title or Section 9-102 of this title, and may request a court order
13 directing prehearing detention when such detention is necessary for the protection of the
14 person or others.

15 SECTION 2. This act shall become effective November 1, 2009.

16 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 02-11-09 - DO
17 PASS, As Amended and Coauthored.

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