STATE OF OKLAHOMA

2nd Session of the 53rd Legislature (2012)

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 1366 By: Ivester

COMMITTEE SUBSTITUTE

An Act relating to advance directives for mental health treatment; amending 43A O.S. 2011, Section 11-107, which relates to contrary or conflicting instructions; updating statutory references; establishing priority of certain directive; and providing an effective date.

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

SECTION 1. AMENDATORY 43A O.S. 2011, Section 11-107, is amended to read as follows:

Section 11-107. A. The wishes of a declarant, at all times while the declarant is capable, shall supersede the effect of an advance directive for mental health treatment.

B. An advance directive for mental health treatment shall become operative when:

1. It is delivered to the declarant's physician or psychologist; and

2. The declarant is certified to be incapable and to require mental health treatment as provided by Section ~~10 of this act~~ 11-110 of this title.

C. An advance directive for mental health treatment remains valid until:

1. Revoked, expired or superseded by a subsequent advance directive for mental health treatment; or

2. Superseded by a court order.

D. A court order shall supersede an advance directive for mental health treatment in all circumstances.

E. Mental health treatment instructions contained in a declaration executed in accordance with ~~this act~~ the Advance Directives for Mental Health Treatment Act shall ~~supersede~~ be superseded by an advance directive for health care, a durable power of attorney pursuant to the Uniform Durable Power of Attorney Act or any other contrary or conflicting instructions given by an attorney-in-fact for mental health treatment decisions unless the authority given to the attorney-in-fact in the advance directive for mental health treatment expressly provides otherwise.

F. Except as provided by subsection E of this section, in the event that more than one valid advance directive for mental health treatment has been executed and not revoked, the last advance directive for mental health treatment executed shall be construed to

be the mental health treatment wishes of the declarant and shall become operative as provided by subsection B of this section.

SECTION 2. This act shall become effective November 1, 2012.

53-2-3168 TEK 2/20/2012 1:47:19 PM