



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

4 1. "Department" means the Department of Mental Health and  
5 Substance Abuse Services;

6 2. "Chair" means the chair of the Board of Mental Health and  
7 Substance Abuse Services;

8 3. "Mental illness" means a substantial disorder of thought,  
9 mood, perception, psychological orientation or memory that  
10 significantly impairs judgment, behavior, capacity to recognize  
11 reality or ability to meet the ordinary demands of life;

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

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

17 6. "Indigent person" means a person who has not sufficient  
18 assets or resources to support the person and to support members of  
19 the family of the person lawfully dependent on the person for  
20 support;

21 7. "Facility" means any hospital, school, building, house or  
22 retreat, authorized by law to have the care, treatment or custody of  
23 an individual with mental illness, or drug or alcohol dependency,

1 gambling addiction, eating disorders, an opioid substitution  
2 treatment program, including, but not limited to, public or private  
3 hospitals, community mental health centers, clinics, satellites or  
4 facilities; provided that facility shall not mean a child guidance  
5 center operated by the State Department of Health;

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

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

12 10. Whenever in this law or in any other law, or in any rule or  
13 order made or promulgated pursuant to this law or to any other law,  
14 or in the printed forms prepared for the admission of consumers or  
15 for statistical reports, the words "insane", "insanity", "lunacy",  
16 "mentally sick", "mental disease" or "mental disorder" are used,  
17 such terms shall have equal significance to the words "mental  
18 illness";

19 11. "Licensed mental health professional" means:

20 a. a psychiatrist who is a diplomate of the American  
21 Board of Psychiatry and Neurology,  
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- 1           b.    a physician licensed pursuant to Section 480 et seq.  
2                    or Section 620 et seq. of Title 59 of the Oklahoma  
3                    Statutes,  
4           c.    a clinical psychologist who is duly licensed to  
5                    practice by the State Board of Examiners of  
6                    Psychologists,  
7           d.    a professional counselor licensed pursuant to Section  
8                    1901 et seq. of Title 59 of the Oklahoma Statutes,  
9           e.    a person licensed as a clinical social worker pursuant  
10                   to the provisions of the Social Worker's Licensing  
11                   Act,  
12           f.    a licensed marital and family therapist as defined in  
13                   Section 1925.1 et seq. of Title 59 of the Oklahoma  
14                   Statutes,  
15           g.    a licensed behavioral practitioner as defined in  
16                   Section 1930 et seq. of Title 59 of the Oklahoma  
17                   Statutes,  
18           h.    an advanced practice nurse as defined in Section 567.1  
19                   et seq. of Title 59 of the Oklahoma Statutes  
20                   specializing in mental health, or  
21           i.    a physician's assistant who is licensed in good  
22                   standing in this state and has received specific  
23                   training for and is experienced in performing mental  
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1 health therapeutic, diagnostic, or counseling  
2 functions;

3 12. "Mentally incompetent person" means any person who has been  
4 adjudicated mentally or legally incompetent by an appropriate  
5 district court;

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

7 (1) a person who because of a his or her mental  
8 illness ~~of the person represents a risk of harm~~  
9 ~~to self or others, or~~

10 ~~(2) a person who is a drug or alcohol dependent~~  
11 ~~person and who as a result of dependency~~  
12 ~~represents a risk of harm to self or others~~ drug  
13 or alcohol dependency:

14 (a) poses a substantial risk of physical harm in  
15 the near future to self as manifested by  
16 evidence or serious threats of or attempts  
17 at suicide or other significant self-  
18 inflicted bodily harm,

19 (b) poses a substantial risk of physical harm in  
20 the near future to another person or persons  
21 as manifested by evidence of violent  
22 behavior directed toward another person or  
23 persons,

1           (c) has placed another person or persons in a  
2           reasonable fear of violent behavior directed  
3           towards such person or persons or serious  
4           physical harm to them as manifested by  
5           serious and immediate threats,

6           (d) is in a condition of severe deterioration  
7           such that, without intervention, there  
8           exists a substantial risk that severe  
9           impairment or injury will result to the  
10          person in the near future, or

11          (e) poses a substantial risk of serious physical  
12          injury to self in the near future, or death  
13          in the near future, as manifested by  
14          evidence that the person is unable to  
15          provide for and is not providing for his or  
16          her basic physical needs.

17          (2) The mental health or substance abuse history of  
18          the person may be used as part of the evidence to  
19          determine whether the person is a person  
20          requiring treatment. The mental health or  
21          substance abuse history of the person shall not  
22          be the sole basis for this determination.

1 b. Unless a person also meets the criteria established in  
2 subparagraph a of this paragraph, person requiring  
3 treatment shall not mean:

4 (1) a person whose mental processes have been  
5 weakened or impaired by reason of advanced years,  
6 dementia, or Alzheimer's disease,

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

10 (3) a person with seizure disorder,

11 (4) a person with a traumatic brain injury, or

12 (5) a person who is homeless.

13 c. A person who meets the criteria established in this  
14 section, but who is medically unstable, or the  
15 facility holding the person is unable to treat the  
16 additional medical conditions of that person should be  
17 discharged and transported in accordance with Section  
18 1-110 of this title;

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

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

1 16. "Private hospital or facility" means any general hospital  
2 maintaining a neuro-psychiatric unit or ward, or any private  
3 hospital or facility for care and treatment of a person having a  
4 mental illness, which is not supported by the state or federal  
5 government. The term "private hospital" or "facility" shall not  
6 include nursing homes or other facilities maintained primarily for  
7 the care of elderly and disabled persons;

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

- 12 a. a statement of treatment goals or objectives, based  
13 upon and related to a clinical evaluation, which can  
14 be reasonably achieved within a designated time  
15 interval,
- 16 b. treatment methods and procedures to be used to obtain  
17 these goals, which methods and procedures are related  
18 to each of these goals and which include specific  
19 prognosis for achieving each of these goals,
- 20 c. identification of the types of professional personnel  
21 who will carry out the treatment procedures, including  
22 appropriate medical or other professional involvement  
23 by a physician or other health professional properly

1 qualified to fulfill legal requirements mandated under  
2 state and federal law,

- 3 d. documentation of involvement by the individual  
4 receiving treatment and, if applicable, the accordance  
5 of the individual with the treatment plan, and  
6 e. a statement attesting that the executive director of  
7 the facility or clinical director has made a  
8 reasonable effort to meet the plan's individualized  
9 treatment goals in the least restrictive environment  
10 possible closest to the home community of the  
11 individual; and

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

- 13 a. ~~a substantial risk of immediate physical harm to self  
14 as manifested by evidence or serious threats of or  
15 attempts at suicide or other significant self-  
16 inflicted bodily harm,~~
- 17 b. ~~a substantial risk of immediate physical harm to  
18 another person or persons as manifested by evidence of  
19 violent behavior directed toward another person or  
20 persons,~~
- 21 c. ~~having placed another person or persons in a  
22 reasonable fear of violent behavior directed towards~~
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- 1           ~~such person or persons or serious physical harm to~~  
2           ~~them as manifested by serious and immediate threats,~~  
3           d.   ~~there exists a substantial risk that without immediate~~  
4           ~~intervention severe impairment or injury will result~~  
5           ~~to the person alleged to be a person requiring~~  
6           ~~treatment, or~~  
7           e.   ~~a substantial risk of immediate serious physical~~  
8           ~~injury to self, or immediate death, as manifested by~~  
9           ~~evidence that the person is unable to provide for and~~  
10           ~~is not providing for the basic physical needs of the~~  
11           ~~person and that appropriate provision for those needs~~  
12           ~~cannot be made immediately available in the community.~~

13           ~~Unless a person also meets the criteria established in~~  
14           ~~subparagraphs a, b, c, d, or e of this paragraph, "risk of harm to~~  
15           ~~self or others" does not mean a person who is homeless; and~~

16           19. "Telemedicine" means the practice of health care delivery,  
17           diagnosis, consultation, evaluation, treatment, transfer of medical  
18           data, or exchange of medical education information by means of  
19           audio, video, or data communications. Telemedicine uses audio and  
20           video multimedia telecommunication equipment which permits two-way  
21           real-time communication between a health care practitioner and a  
22           patient who are not in the same physical location. Telemedicine

1 shall not include consultation provided by telephone or facsimile  
2 machine.

3 SECTION 2. AMENDATORY 43A O.S. 2001, Section 5-410, as  
4 last amended by Section 18, Chapter 97, O.S.L. 2006 (43A O.S. Supp.  
5 2010, Section 5-410), is amended to read as follows:

6 Section 5-410. A. The following persons may file or request  
7 the district attorney to file a petition with the district court,  
8 upon which is hereby conferred jurisdiction, to determine whether an  
9 individual is a person requiring treatment, and to order the least  
10 restrictive appropriate treatment for the person:

11 1. A treatment advocate as defined in Section 1-109.1 of this  
12 title;

13 2. The father, mother, husband, wife, brother, sister, guardian  
14 or child, over the age of eighteen (18) years, of an individual  
15 alleged to be a person requiring treatment;

16 ~~2-~~ 3. A licensed mental health professional;

17 ~~3-~~ 4. The executive director of a facility designated by the  
18 Commissioner of Mental Health and Substance Abuse Services as  
19 appropriate for emergency detention;

20 ~~4-~~ 5. An administrator of a hospital that is approved by the  
21 Joint Commission on Accreditation of Healthcare Organizations;  
22 provided, however, in any involuntary commitment procedure in which  
23 a hospital is the petitioner pursuant to the provisions of this

1 section, the hospital may participate in such hearing without  
2 retaining their own legal counsel if the hospital provides as a  
3 witness a mental health therapist or a licensed mental health  
4 professional;

5 ~~5.~~ 6. A person in charge of any correctional institution;

6 ~~6.~~ 7. Any peace officer within the county in which the  
7 individual alleged to be a person requiring treatment resides or may  
8 be found; or

9 ~~7.~~ 8. The district attorney in whose district the person  
10 resides or may be found.

11 B. The petition shall contain a statement of the facts upon  
12 which the allegation is based and, if known, the names and addresses  
13 of any witnesses to the alleged facts.

14 1. The petition shall be verified and made under penalty of  
15 perjury.

16 2. A request for the prehearing detention of the individual  
17 alleged to be a person requiring treatment may be attached to the  
18 petition.

19 3. If the individual alleged to be a person requiring treatment  
20 is being held in emergency detention, a copy of the mental health  
21 evaluation shall be attached to the petition.

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1 C. The inpatient mental health treatment of minors shall be  
2 pursuant to the provisions of the Inpatient Mental Health and  
3 Substance Abuse Treatment of Minors Act.

4 SECTION 3. This act shall become effective November 1, 2011.

5 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 02-16-2011 -  
6 DO PASS, As Coauthored.

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