

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 COMMITTEE SUBSTITUTE
4 FOR
5 HOUSE BILL NO. 1562

By: Hall

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7 COMMITTEE SUBSTITUTE

8 An Act relating to mental health; amending 43A O.S.
9 2011, Section 4-106, which relates to mechanical
10 restraints; expanding licensed health care providers
11 who may determine if mechanical restraint is required
12 by medical needs of consumer; requiring certain
13 examination after mechanical restraint is applied to
14 consumer after emergency situation arises; and
15 providing an effective date.

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

17 SECTION 1. AMENDATORY 43A O.S. 2011, Section 4-106, is
18 amended to read as follows:

19 Section 4-106. A. Mechanical restraints shall not be applied
20 to a consumer unless:

21 1. It is determined by ~~a~~ an allopathic physician or
22 physician's, osteopathic physician, physician assistant or advanced
23 practice registered nurse who is authorized to order restraint by
24 hospital or community-based structured crisis center, as defined by
Section 3-317 of this title, policy to be required by the medical
needs of the consumer; or

1 2. An emergency situation arises and a mechanical restraint is
2 necessary for the safety of the individual or others. The
3 mechanical restraint may be applied after obtaining a verbal order
4 of ~~a~~ an allopathic physician or physician's, osteopathic physician,
5 physician assistant or advanced practice registered nurse as long as
6 the ~~physician or physician's assistant personally examines the~~
7 consumer receives a face-to-face examination within one (1) hour
8 after the restraint is applied by an allopathic physician,
9 osteopathic physician, physician assistant, advanced practice
10 registered nurse or registered nurse trained in restraint management
11 in accordance with the then-current standards promulgated by the
12 United States Department of Health and Human Services and authorized
13 by hospital policy.

14 B. No mechanical restraint shall be continued for longer than
15 is absolutely necessary under the circumstances. ~~Every~~ Regardless
16 of who orders the restraint, every use of a mechanical restraint,
17 the reasons and length of time, shall be made a part of the clinical
18 record of the consumer under the signature of the attending
19 allopathic physician or osteopathic physician.

20 SECTION 2. This act shall become effective November 1, 2015.

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22 55-1-7049 AM 02/25/15
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