

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 459

6 By: Treat and Simpson

7 COMMITTEE SUBSTITUTE

8 An Act relating to the Department of Mental Health
9 and Substance Abuse Services; amending 43A O.S. 2011,
10 Section 2-201, which relates to the Commissioner of
11 Mental Health and Substance Abuse Services; requiring
12 that Commissioner be appointed by Governor with
13 advice and consent of the Senate; requiring service
14 at pleasure of Governor; requiring Governor to fix
15 salary of Commissioner; abolishing Board of Mental
16 Health and Substance Abuse Services and transferring
17 powers, duties and responsibilities to Commissioner;
18 modifying references to Board; providing that actions
19 taken by Board remain in effect unless changed by
20 Commissioner; amending 10 O.S. 2011, Section 603.4,
21 which relates to children; amending 43A O.S. 2011,
22 Sections 1-103, as last amended by Section 1, Chapter
23 246, O.S.L. 2017, 1-109.1, as amended by Section 2,
24 Chapter 155, O.S.L. 2013, 2-101, 2-106, 2-107, as
amended by Section 138, Chapter 304, O.S.L. 2012, 2-
111, as last amended by Section 1, Chapter 139,
O.S.L. 2017, 2-202.1, 2-205, 2-206, 2-304, 3-306, 3-
306.1, 3-310, 3-315, 3-317, as amended by Section 2,
Chapter 213, O.S.L. 2013, 3-318, as amended by
Section 1, Chapter 111, O.S.L. 2017, 3-319, 3-320, 3-
322, 3-323A, 3-326, as last amended by Section 2,
Chapter 111, O.S.L. 2017, 3-327, 3-403, as last
amended by Section 1, Chapter 303, O.S.L. 2017, 3-
406.1, 3-415, as last amended by Section 1, Chapter
310, O.S.L. 2018, 3-453, as amended by Section 151,
Chapter 304, O.S.L. 2012, 3-460, as last amended by
Section 152, Chapter 304, O.S.L. 2012, 3-601, as
amended by Section 3, Chapter 111, O.S.L. 2017, 3-
603, 4-203, 5-304, 5-420, 9-101 and 13-101 (43A O.S.
Supp. 2018, Sections 1-103, 1-109.1, 2-107, 2-111, 3-

1 317, 3-318, 3-326, 3-403, 3-415, 3-453, 3-460 and 3-
2 601), which relate to the Mental Health Law; amending
3 63 O.S. 2011, Sections 1-219 and 1-502.1, as amended
4 by Section 1, Chapter 246, O.S.L. 2013 (63 O.S. Supp.
5 2018, Section 1-502.1), which relate to public health
6 and safety; repealing 10 O.S. 2011, Sections 1406 and
7 1410, which relate to children; repealing 43A O.S.
8 2011, Sections 2-103, as amended by Section 1,
9 Chapter 280, O.S.L. 2017, 2-105 and 3-405 (43A O.S.
10 Supp. 2018, Section 2-103), which relate to the
11 Mental Health Act; and declaring an emergency.

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

13 SECTION 1. AMENDATORY 43A O.S. 2011, Section 2-201, is
14 amended to read as follows:

15 Section 2-201. A. A Commissioner of Mental Health and
16 Substance Abuse Services shall be appointed by the ~~Board of Mental~~
17 ~~Health and Substance Abuse Services. The Commissioner may only be~~
18 ~~removed by the Board for cause~~ Governor, with the advice and consent
19 of the Senate, and shall serve at the pleasure of the Governor.

20 B. The Commissioner shall meet at least one of the following
21 qualifications:

22 1. Possession of a Doctor of Medicine Degree and a license to
23 practice medicine in this state;

24 2. Possession of an Osteopathic Medicine Degree and a license
to practice medicine in this state;

3. Possession of a Doctor of Public Health Degree;

1 4. Possession of a Doctoral Degree in Psychology and a license
2 to practice psychology in this state;

3 5. Possession of a Master of Public Health Degree and a minimum
4 of five (5) years of supervisory experience in the administration of
5 health services; or

6 6. Possession of a Master of Arts or Master's Degree in
7 Business Administration, Social Science or a related field and a
8 minimum of five (5) years of supervisory experience in the
9 administration of health services.

10 ~~B.~~ C. The salary of the Commissioner shall be fixed by the
11 ~~Board~~ Governor.

12 D. The Board of Mental Health and Substance Abuse Services is
13 hereby abolished and its powers, duties and responsibilities are
14 hereby transferred to the Commissioner of Mental Health. Any
15 reference in the Oklahoma Statutes to the Board shall be deemed to
16 be a reference to the Commissioner. Any administrative rules or
17 policies adopted by, or any actions taken by, the Board prior to
18 November 1, 2019, shall be and remain in effect until amended,
19 repealed or superseded by actions of the Commissioner as provided by
20 law.

21 SECTION 2. AMENDATORY 10 O.S. 2011, Section 603.4, is
22 amended to read as follows:

23 Section 603.4. A. In accordance with the standards recommended
24 by the Committee on Day Treatment Standards in its report dated

1 November 2, 1994, the State Board of Health, the ~~Board~~ Commissioner
2 of Mental Health and Substance Abuse Services and the Oklahoma
3 Health Care Authority Board shall promulgate rules establishing
4 standards for day treatment programs, as defined in Section 175.20
5 of this title, and shall monitor, not less than annually, compliance
6 with the standards, if funds are available. The responsibilities of
7 the boards regarding enforcement of and monitoring of compliance
8 with the rules shall be as follows:

9 1. The State Board of Health shall be responsible for the
10 promulgation of rules establishing standards for day treatment
11 programs other than those operated by community mental health
12 centers;

13 2. The ~~Board~~ Commissioner of Mental Health and Substance Abuse
14 Services shall be responsible for the promulgation of rules for day
15 treatment programs operated by community mental health centers; and

16 3. The Oklahoma Health Care Authority Board shall monitor
17 compliance of outpatient hospital day treatment services with the
18 standards in the Medical Providers-Hospital Specific Manual, OAC
19 317:30-5-42(a)(6). Any program found to be out of compliance with
20 such standards shall be subject to cancellation of its authorization
21 for day treatment services within its contract with the Oklahoma
22 Health Care Authority according to rules governing such contract
23 cancellations.

24

1 B. The ~~boards~~ entities specified in subsection A of this
2 section shall coordinate development and monitoring of rules to the
3 maximum extent reasonable and practical in order to avoid
4 unnecessary contradiction or conflict and to minimize the incidence
5 of duplicative monitoring of day treatment program.

6 SECTION 3. AMENDATORY 43A O.S. 2011, Section 1-103, as
7 last amended by Section 1, Chapter 246, O.S.L. 2017 (43A O.S. Supp.
8 2018, Section 1-103), is amended to read as follows:

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

12 1. "Department" means the Department of Mental Health and
13 Substance Abuse Services;

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

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

20 4. ~~"Board" means the Board of Mental Health and Substance Abuse~~
21 ~~Services as established by the Mental Health Law;~~

22 5. "Commissioner" means the individual selected and appointed
23 by the ~~Board~~ Governor to serve as Commissioner of Mental Health and
24 Substance Abuse Services;

1 ~~6.~~ 5. "Indigent person" means a person who has not sufficient
2 assets or resources to support the person and to support members of
3 the family of the person lawfully dependent on the person for
4 support;

5 ~~7.~~ 6. "Facility" means any hospital, school, building, house or
6 retreat, authorized by law to have the care, treatment or custody of
7 an individual with mental illness, or drug or alcohol dependency,
8 gambling addiction, eating disorders, an opioid substitution
9 treatment program, including, but not limited to, public or private
10 hospitals, community mental health centers, clinics, satellites or
11 facilities; provided, that facility shall not mean a child guidance
12 center operated by the State Department of Health;

13 ~~8.~~ 7. "Consumer" means a person under care or treatment in a
14 facility pursuant to the Mental Health Law, or in an outpatient
15 status;

16 ~~9.~~ 8. "Care and treatment" means medical care and behavioral
17 health services, as well as food, clothing and maintenance,
18 furnished to a person;

19 ~~10.~~ 9. Whenever in this law or in any other law, or in any rule
20 or order made or promulgated pursuant to this law or to any other
21 law, or in the printed forms prepared for the admission of consumers
22 or for statistical reports, the words "insane", "insanity",
23 "lunacy", "mentally sick", "mental disease" or "mental disorder" are
24

1 used, such terms shall have equal significance to the words "mental
2 illness";

3 ~~11.~~ 10. "Licensed mental health professional" means:

4 a. a psychiatrist who is a diplomate of the American
5 Board of Psychiatry and Neurology,

6 b. a psychiatrist who is a diplomate of the American
7 Osteopathic Board of Neurology and Psychiatry,

8 c. a physician licensed pursuant to the Oklahoma
9 Allopathic Medical and Surgical Licensure and
10 Supervision Act or the Oklahoma Osteopathic Medicine
11 Act,

12 d. a clinical psychologist who is duly licensed to
13 practice by the State Board of Examiners of
14 Psychologists,

15 e. a professional counselor licensed pursuant to the
16 Licensed Professional Counselors Act,

17 f. a person licensed as a clinical social worker pursuant
18 to the provisions of the Social Worker's Licensing
19 Act,

20 g. a licensed marital and family therapist as defined in
21 the Marital and Family Therapist Licensure Act,

22 h. a licensed behavioral practitioner as defined in the
23 Licensed Behavioral Practitioner Act,

24

- 1 i. an advanced practice nurse as defined in the Oklahoma
2 Nursing Practice Act,
3 j. a physician's assistant who is licensed in good
4 standing in this state, or
5 k. a licensed drug and alcohol counselor/mental health
6 (LADC/MH) as defined in the Licensed Alcohol and Drug
7 Counselors Act;

8 ~~12.~~ 11. "Mentally incompetent person" means any person who has
9 been adjudicated mentally or legally incompetent by an appropriate
10 district court;

11 ~~13.~~ 12. a. "Person requiring treatment" means a person who
12 because of his or her mental illness or drug or
13 alcohol dependency:

- 14 (1) poses a substantial risk of immediate physical
15 harm to self as manifested by evidence or serious
16 threats of or attempts at suicide or other
17 significant self-inflicted bodily harm,
18 (2) poses a substantial risk of immediate physical
19 harm to another person or persons as manifested
20 by evidence of violent behavior directed toward
21 another person or persons,
22 (3) has placed another person or persons in a
23 reasonable fear of violent behavior directed
24 towards such person or persons or serious

1 physical harm to them as manifested by serious
2 and immediate threats,

3 (4) is in a condition of severe deterioration such
4 that, without immediate intervention, there
5 exists a substantial risk that severe impairment
6 or injury will result to the person, or

7 (5) poses a substantial risk of immediate serious
8 physical injury to self or death as manifested by
9 evidence that the person is unable to provide for
10 and is not providing for his or her basic
11 physical needs.

12 b. The mental health or substance abuse history of the
13 person may be used as part of the evidence to
14 determine whether the person is a person requiring
15 treatment or an assisted outpatient. The mental
16 health or substance abuse history of the person shall
17 not be the sole basis for this determination.

18 c. Unless a person also meets the criteria established in
19 subparagraph a or b of this paragraph, person
20 requiring treatment or an assisted outpatient shall
21 not mean:

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

1 (2) a ~~mentally retarded or~~ developmentally disabled
2 person as defined in Title 10 of the Oklahoma
3 Statutes,

4 (3) a person with seizure disorder,

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

6 (5) a person who is homeless.

7 d. A person who meets the criteria established in this
8 section, but who is medically unstable, or the
9 facility holding the person is unable to treat the
10 additional medical conditions of that person should be
11 discharged and transported in accordance with Section
12 1-110 of this title;

13 ~~14.~~ 13. "Petitioner" means a person who files a petition
14 alleging that an individual is a person requiring treatment or an
15 assisted outpatient;

16 ~~15.~~ 14. "Executive director" means the person in charge of a
17 facility as defined in this section;

18 ~~16.~~ 15. "Private hospital or facility" means any general
19 hospital maintaining a neuro-psychiatric unit or ward, or any
20 private hospital or facility for care and treatment of a person
21 having a mental illness, which is not supported by the state or
22 federal government. The term "private hospital" or "facility" shall
23 not include nursing homes or other facilities maintained primarily
24 for the care of elderly and disabled persons;

1 ~~17.~~ 16. "Individualized treatment plan" means a proposal
2 developed during the stay of an individual in a facility, under the
3 provisions of this title, which is specifically tailored to the
4 treatment needs of the individual. Each plan shall clearly include
5 the following:

- 6 a. a statement of treatment goals or objectives, based
7 upon and related to a clinical evaluation, which can
8 be reasonably achieved within a designated time
9 interval,
- 10 b. treatment methods and procedures to be used to obtain
11 these goals, which methods and procedures are related
12 to each of these goals and which include specific
13 prognosis for achieving each of these goals,
- 14 c. identification of the types of professional personnel
15 who will carry out the treatment procedures, including
16 appropriate medical or other professional involvement
17 by a physician or other health professional properly
18 qualified to fulfill legal requirements mandated under
19 state and federal law,
- 20 d. documentation of involvement by the individual
21 receiving treatment and, if applicable, the accordence
22 of the individual with the treatment plan, and
- 23 e. a statement attesting that the executive director of
24 the facility or clinical director has made a

1 reasonable effort to meet the plan's individualized
2 treatment goals in the least restrictive environment
3 possible closest to the home community of the
4 individual;

5 ~~18.~~ 17. "Telemedicine" means the practice of health care
6 delivery, diagnosis, consultation, evaluation, treatment, transfer
7 of medical data, or exchange of medical education information by
8 means of audio, video, or data communications. Telemedicine uses
9 audio and video multimedia telecommunication equipment which permits
10 two-way real-time communication between a health care practitioner
11 and a patient who are not in the same physical location.
12 Telemedicine shall not include consultation provided by telephone or
13 facsimile machine;

14 ~~19.~~ 18. "Recovery and recovery support" means nonclinical
15 services that assist individuals and families to recover from
16 alcohol or drug problems. They include social support, linkage to
17 and coordination among allied service providers, including but not
18 limited to transportation to and from treatment or employment,
19 employment services and job training, case management and individual
20 services coordination, life skills education, relapse prevention,
21 housing assistance, child care, and substance abuse education;

22 ~~20.~~ 19. "Assisted outpatient" means a person who:

- 23 a. is either currently under the care of a facility
24 certified by the Department of Mental Health and

1 Substance Abuse Services as a Community Mental Health
2 Center, or is being discharged from the custody of the
3 Oklahoma Department of Corrections, or is being
4 discharged from a residential placement by the Office
5 of Juvenile Affairs,

6 b. is suffering from a mental illness,

7 c. is unlikely to survive safely in the community without
8 supervision, based on a clinical determination,

9 d. has a history of lack of compliance with treatment for
10 mental illness that has:

11 (1) prior to the filing of a petition, at least twice
12 within the last thirty-six (36) months been a
13 significant factor in necessitating
14 hospitalization or treatment in a hospital or
15 residential facility, or receipt of services in a
16 forensic or other mental health unit of a
17 correctional facility, or a specialized treatment
18 plan for treatment of mental illness in a secure
19 juvenile facility or placement in a specialized
20 residential program for juveniles, or

21 (2) prior to the filing of the petition, resulted in
22 one or more acts of serious violent behavior
23 toward self or others or threats of, or attempts
24

- 1 at, serious physical harm to self or others
2 within the last twenty-four (24) months,
3 e. is, as a result of his or her mental illness, unlikely
4 to voluntarily participate in outpatient treatment
5 that would enable him or her to live safely in the
6 community,
7 f. in view of his or her treatment history and current
8 behavior, is in need of assisted outpatient treatment
9 in order to prevent a relapse or deterioration which
10 would be likely to result in serious harm to the
11 person or persons as defined in this section, and
12 g. is likely to benefit from assisted outpatient
13 treatment; and

14 ~~21.~~ 20. "Assisted outpatient treatment" means outpatient
15 services which have been ordered by the court pursuant to a
16 treatment plan approved by the court to treat an assisted
17 outpatient's mental illness and to assist the person in living and
18 functioning in the community, or to attempt to prevent a relapse or
19 deterioration that may reasonably be predicted to result in suicide
20 or the need for hospitalization.

21 SECTION 4. AMENDATORY 43A O.S. 2011, Section 1-109.1, as
22 amended by Section 2, Chapter 155, O.S.L. 2013 (43A O.S. Supp. 2018,
23 Section 1-109.1), is amended to read as follows:
24

1 Section 1-109.1. A. 1. Every adult having a mental illness as
2 defined in Section 1-103 of this title who is under the care of a
3 licensed mental health professional shall be informed by the
4 licensed mental health professional or the mental health treatment
5 facility that the consumer has the right to designate a family
6 member or other concerned individual as a treatment advocate.

7 2. The individual designated as a treatment advocate shall act
8 at all times in the best interests of the consumer.

9 3. The patient may change or revoke the designation of a
10 treatment advocate at any time and for any reason.

11 4. The treatment advocate may participate in the treatment
12 planning and discharge planning of the consumer to the extent
13 consented to by the consumer and as permitted by law.

14 5. A person holding the powers vested in a guardianship of the
15 person, a grant of general health care decision-making authority or
16 designation of health care proxy contained in an advance directive
17 for health care, or a durable power of attorney with health care
18 decision-making authority shall be the treatment advocate for the
19 patient by operation of law.

20 B. 1. The ~~Board~~ Commissioner of Mental Health and Substance
21 Abuse Services shall promulgate rules for all facilities certified
22 by the Department of Mental Health and Substance Abuse Services as
23 to the design, contents, and maintenance of a treatment advocate
24 consent form.

1 2. The contents of the consent form, at a minimum, shall
2 include a statement indicating that the treatment advocate
3 understands that all mental health treatment information is
4 confidential and that the treatment advocate agrees to maintain
5 confidentiality.

6 C. This section shall not apply to inmates of the Oklahoma
7 Department of Corrections.

8 SECTION 5. AMENDATORY 43A O.S. 2011, Section 2-101, is
9 amended to read as follows:

10 Section 2-101. A. 1. There is hereby established in this
11 state a Department of Mental Health and Substance Abuse Services.

12 2. This Department's ~~governing board shall be the Board of~~
13 ~~Mental Health and Substance Abuse Services, and its~~ chief executive
14 officer shall be the Commissioner of Mental Health and Substance
15 Abuse Services.

16 3. The Department of Mental Health and Substance Abuse Services
17 shall exercise all functions of the state in relation to the
18 administration and operation of all state facilities for the care
19 and treatment of the mentally ill and drug- or alcohol-dependent
20 persons.

21 B. All references in the Oklahoma Statutes to the Department of
22 Mental Health or the Board of Mental Health shall be construed to
23 refer to the Department of Mental Health and Substance Abuse
24

1 Services or the ~~Board~~ Commissioner of Mental Health and Substance
2 Abuse Services, respectively.

3 SECTION 6. AMENDATORY 43A O.S. 2011, Section 2-106, is
4 amended to read as follows:

5 Section 2-106. A. 1. The ~~Board of Mental Health and Substance~~
6 ~~Abuse Services,~~ the Commissioner of Mental Health and Substance
7 Abuse Services or any employee of the Department of Mental Health
8 and Substance Abuse Services designated by the Commissioner may
9 solicit and receive contributions, gifts and donations for use by
10 the Department of Mental Health and Substance Abuse Services, or to
11 any institution therein. The ~~Board of Mental Health and Substance~~
12 ~~Abuse Services~~ Commissioner shall accept, hold in trust and
13 authorize the use of any grant or devise of land, or any donation or
14 bequest of money, or other personal property made to the Department
15 of Mental Health and Substance Abuse Services, or to any institution
16 therein, so long as the terms of the grant, donation, bequest, gift,
17 or will are carried out.

18 2. The ~~Board~~ Commissioner may invest and reinvest any funds and
19 may lease any real or personal property, may sell any personal
20 property and may invest the proceeds, for the benefit of the
21 Department or any institution therein unless prevented by the terms
22 of the grant, donation, bequest, gift or will.

23 B. The ~~Board~~ Commissioner may lease any property owned or held
24 in trust to any other state agency, political subdivision, federal

1 agency, county, municipality or a nonprofit organization for a
2 period not to exceed fifty (50) years.

3 C. The Department must annually account to the State Auditor
4 and Inspector for all monies or property received or expended by
5 virtue of this section. The account shall state:

6 1. The source of the monies or property received with the
7 actual date of its receipt;

8 2. The particular use or place for which it was expended; and

9 3. The balance on hand showing the place of deposit of the
10 unexpended balance.

11 SECTION 7. AMENDATORY 43A O.S. 2011, Section 2-107, as
12 amended by Section 138, Chapter 304, O.S.L. 2012 (43A O.S. Supp.
13 2018, Section 2-107), is amended to read as follows:

14 Section 2-107. A. 1. There is hereby created in the State
15 Treasury a revolving fund for the Department of Mental Health and
16 Substance Abuse Services to be designated the "Capital Outlay Fund".
17 The fund shall be a continuing fund, not subject to fiscal year
18 limitations, and shall consist of income as provided in this section
19 and any monies transferred by the Department into the fund.

20 2. All monies accruing to the credit of the fund are hereby
21 appropriated and may be budgeted and expended by the Department for
22 the purposes described in this section and for improvements to real
23 property owned by the Department or held in the Department's trust
24 as authorized by Section 2-111 of this title. Expenditures from the

1 fund shall be made upon warrants issued by the State Treasurer
2 against claims filed as prescribed by law with the Director of the
3 Office of Management and Enterprise Services for approval and
4 payment.

5 B. On and after July 1, 1988, no easement, right-of-way, oil
6 and gas lease or surface lease on any land used or occupied by any
7 institution, under the jurisdiction of the ~~Board of Mental Health~~
8 ~~and Substance Abuse Services Department~~, shall be granted or
9 conveyed without the approval of the ~~Board~~ Commissioner of Mental
10 Health and Substance Abuse Services. All monies hereafter received
11 or derived from such easements, rights-of-way and leases, including,
12 but not limited to, rentals and royalties for leases and from sale
13 of equipment, shall be deposited in the Capital Outlay Fund of the
14 Department ~~of Mental Health and Substance Abuse Services~~ and used by
15 the ~~Board~~ Commissioner for capital improvement at any Department ~~of~~
16 ~~Mental Health and Substance Abuse Services~~ facility and for
17 improvements to real property owned by the Department or held in the
18 Department's trust as authorized by Section 2-111 of this title,
19 except as otherwise provided by the Legislature.

20 SECTION 8. AMENDATORY 43A O.S. 2011, Section 2-111, as
21 last amended by Section 1, Chapter 139, O.S.L. 2017 (43A O.S. Supp.
22 2018, Section 2-111), is amended to read as follows:

23 Section 2-111. A. 1. The ~~Board~~ Commissioner of Mental Health
24 and Substance Abuse Services is hereby authorized and directed to

1 create a trust into which all real property held by or for the
2 benefit of the Department of Mental Health and Substance Abuse
3 Services shall be transferred.

4 2. The trust shall provide that:

5 a. the property placed into the trust may never be sold,
6 except for the tracts specifically described in
7 subparagraph c of this paragraph, if it is determined
8 by the trustees for the Department's Real Property
9 Trust and by the Department that such a sale is in the
10 best interests of the Department, and then the
11 proceeds shall be used exclusively for tangible
12 infrastructure improvements that benefit the persons
13 served by the Department, otherwise the property shall
14 be held in perpetuity for the sole benefit of the
15 Department,

16 b. the property held by the trust which is not needed for
17 use by the Department may be leased or rented to
18 others and all income received from such leases or
19 rentals shall be payable to the Department for use by
20 the Department to fulfill the purposes of the
21 Department, except as provided in subparagraph d of
22 this section,

23 c. the following tract or tracts of land may be sold as
24 set forth in subparagraph a of this paragraph:

1 (1) Land owned by the Department located in Sections
2 20 and 29, Township 9 North, Range 2 West,
3 Cleveland County, Oklahoma,

4 (2) Land owned by the Department located in Block 5
5 of Culbertson Heights Addition to the City of
6 Oklahoma City, Oklahoma County, Oklahoma, and

7 (3) Land owned by the Department located in Section
8 27, Township 9 North, Range 2 West, Cleveland
9 County, Oklahoma, and

10 d. under no condition should any real property held in
11 trust be sold to fund prevention, mental health or
12 addiction treatment services.

13 B. Upon the creation of the trust authorized in subsection A of
14 this section, the Office of Management and Enterprise Services is
15 directed to provide all necessary assistance to the Department of
16 Mental Health and Substance Abuse Services to identify and transfer
17 all property held by or for the benefit of the Department of Mental
18 Health and Substance Abuse Services to the trust. Except as
19 provided in subsection C of this section, the Office of Management
20 and Enterprise Services is authorized and directed to provide all
21 requested assistance to the Department of Mental Health and
22 Substance Abuse Services in leasing property placed in such trust.

23 C. The Commissioners of the Land Office are authorized and
24 directed to provide all requested assistance to the Department of

1 Mental Health and Substance Abuse Services in leasing mineral
2 interests placed in such trust.

3 SECTION 9. AMENDATORY 43A O.S. 2011, Section 2-202.1, is
4 amended to read as follows:

5 Section 2-202.1. A. The Commissioner of Mental Health and
6 Substance Abuse Services shall have charge of the administration of
7 the Department of Mental Health and Substance Abuse Services ~~as~~
8 ~~directed by the Board of Mental Health and Substance Abuse Services~~
9 and shall be charged with the duty of carrying out the provisions of
10 the Mental Health Law. The duties of the Commissioner shall
11 include, but not be limited to, the following:

12 1. Supervising the activities of the Department;

13 2. ~~Prescribing~~ Promulgating rules and regulations, ~~as approved~~
14 ~~by the Board of Mental Health and Substance Abuse Services,~~ for the
15 efficient, uniform, and professional operation of the Department,
16 consistent with the mission of the Department, including the
17 official forms used or described in this title;

18 3. Prescribing policies and procedures for the operation of the
19 Department;

20 4. Employing necessary personnel to perform the duties of the
21 Department, prescribing titles and duties, and fixing compensation,
22 including the employment of attorneys to provide legal assistance to
23 the Department;

24

1 5. Accepting, using, disbursing, and administering grants,
2 allotments, gifts, devises, bequests, appropriations, and other
3 monies and property offered or given to the Department, or any
4 component or agency thereof, by an agency of the federal government
5 or any corporation or individual for the use of the Department;

6 6. Making contracts and agreements with other departments of
7 this state to carry out the provisions of this section;

8 7. Acting as the official agency of this state in all matters
9 relating to mental health or substance abuse which require or
10 authorize cooperation of this state with the federal government or
11 any agency thereof; coordinating the activities of the Department
12 with those of the federal government or any department or agency
13 thereof, and with other states, on matters pertaining to mental
14 health and substance abuse, and entering into agreements for such
15 purpose;

16 8. Aiding, assisting, and cooperating with other state
17 agencies, government entities, institutions of higher learning,
18 public schools, and others interested in public education regarding
19 the issues of mental health and substance abuse in the establishment
20 of sound mental health and substance abuse programs in this state;
21 and

22 9. Designating the type of consumer that will be cared for at
23 each facility and designating hospital or community mental health
24 center districts for the purpose of determining to which facilities

1 within the Department or community mental health centers persons
2 committed from each county shall initially be sent. These
3 designations may be changed from time to time.

4 B. The Commissioner or designee may delay inpatient admissions
5 when such admissions would cause facilities to exceed their
6 authorized capacity.

7 C. Consumers may be transferred from one facility to another
8 within the Department on the authority of the Commissioner as
9 provided for in the Mental Health Law.

10 D. The Commissioner shall have any other power necessary to
11 implement the provisions of the Mental Health Law.

12 SECTION 10. AMENDATORY 43A O.S. 2011, Section 2-205, is
13 amended to read as follows:

14 Section 2-205. The Department of Mental Health and Substance
15 Abuse Services is hereby directed to employ one or more internal
16 auditors to establish and perform an effective and comprehensive
17 internal audit program. Such program shall include, but not be
18 limited to, reviews of accounting procedures, internal control,
19 financial management and compliance with laws, regulations, policies
20 and executive and legislative directives for the Department's
21 administrative offices, institutions, community mental health
22 centers and contractors. Internal audit final reports shall be made
23 available to the Governor, the State Auditor and Inspector, the
24 Legislative Service Bureau, ~~the Board of Mental Health and Substance~~

1 ~~Abuse Services~~ and the Commissioner of Mental Health and Substance
2 Abuse Services.

3 SECTION 11. AMENDATORY 43A O.S. 2011, Section 2-206, is
4 amended to read as follows:

5 Section 2-206. The Department of Mental Health and Substance
6 Abuse Services may provide for legal services, and the Commissioner
7 may employ or contract with attorneys as needed and determine their
8 salaries; provided, however, that the attorneys may appear for and
9 represent the Commissioner, ~~the Board of Mental Health and Substance~~
10 ~~Abuse Services~~, administrative supervisors of facilities and
11 Department personnel in administrative hearings and other legal
12 actions and proceedings. Provided, further, that the Attorney
13 General shall continue to give his or her opinion to the Department
14 and to prosecute and defend action therefor, if requested to do so.

15 SECTION 12. AMENDATORY 43A O.S. 2011, Section 2-304, is
16 amended to read as follows:

17 Section 2-304. The Department of Mental Health and Substance
18 Abuse Services may purchase, with public funds, insurance to protect
19 against malpractice and other liability on the part of professional
20 staff and other employees, and administrators ~~and members of the~~
21 ~~Board of Mental Health and Substance Abuse Services~~. This section
22 shall not be construed to make the state, ~~the Board~~, or any division
23 of the Department of Mental Health and Substance Abuse Services
24 liable for damages from any cause.

1 SECTION 13. AMENDATORY 43A O.S. 2011, Section 3-306, is
2 amended to read as follows:

3 Section 3-306. A. The ~~Board~~ Commissioner of Mental Health and
4 Substance Abuse Services shall have the responsibility and authority
5 to:

6 1. Promulgate rules governing eligibility of public agencies or
7 mental health facilities to contract with the Department of Mental
8 Health and Substance Abuse Services;

9 2. Prescribe standards for qualifications of personnel and
10 quality of professional services;

11 3. Ensure eligibility for community mental health services so
12 that no person will be denied services on the basis of race, color
13 or creed or inability to pay; and

14 4. Promulgate such other rules as may be necessary to carry out
15 the provisions of the Unified Community Mental Health Services Act.

16 B. The Department shall have the following responsibilities and
17 authority to:

18 1. Provide technical assistance to community mental health
19 facilities and boards;

20 2. Provide clinical, fiscal and management audit of services
21 and facilities;

22 3. Approve and compile catchment area plans and budget requests
23 into a statewide mental health plan and budget for submission to the
24

1 Governor, Legislature and federal funding sources as appropriate;
2 and

3 4. Assist mental health facilities in the recruitment of
4 qualified personnel and in conducting in-service training programs.

5 SECTION 14. AMENDATORY 43A O.S. 2011, Section 3-306.1,
6 is amended to read as follows:

7 Section 3-306.1. A. The ~~Board~~ Commissioner of Mental Health
8 and Substance Abuse Services shall promulgate rules and standards
9 for certification of a facility or organization that desires to be
10 certified as a community mental health center. No community mental
11 health center shall operate or continue to operate unless the
12 facility complies with the rules and standards promulgated by the
13 ~~Board~~ Commissioner and is certified as required by this section.

14 B. Applications for certification as a community mental health
15 center shall be made to the Department of Mental Health and
16 Substance Abuse Services on prescribed forms. The ~~Board, or the~~
17 Commissioner of Mental Health and Substance Abuse Services ~~upon~~
18 ~~delegation by the Board,~~ may certify the community mental health
19 centers for a period of three (3) years subject to renewal as
20 provided in the rules promulgated by the ~~Board~~ Commissioner.

21 C. The Department of Mental Health and Substance Abuse Services
22 is authorized to establish and collect certification and renewal
23 fees for certification of community mental health centers as
24 provided in Section 3-324 of this title.

1 D. Certified community mental health centers shall comply with
2 standards adopted by the ~~Board~~ Commissioner. Such standards shall
3 be in compliance with:

4 1. The Joint Commission on Accreditation of Healthcare
5 Organizations;

6 2. The Commission on Accreditation of Rehabilitation
7 Facilities; or

8 3. Approved medical and professional standards as determined by
9 the ~~Board~~ Commissioner.

10 E. Failure to comply with rules and standards promulgated by
11 the ~~Board~~ Commissioner shall be grounds for revocation, suspension
12 or nonrenewal of certification.

13 SECTION 15. AMENDATORY 43A O.S. 2011, Section 3-310, is
14 amended to read as follows:

15 Section 3-310. Any nonprofit private agency providing services
16 pursuant to a contract or subcontract with the Department of Mental
17 Health and Substance Abuse Services, ~~the Board of Mental Health and~~
18 ~~Substance Abuse Services~~ or any facility of the Department of Mental
19 Health and Substance Abuse Services and receiving funds disbursed
20 thereof shall submit information on operating budgets and employee
21 salaries and benefits to the Department of Mental Health and
22 Substance Abuse Services.

23 SECTION 16. AMENDATORY 43A O.S. 2011, Section 3-315, is
24 amended to read as follows:

1 Section 3-315. A. The ~~Board~~ Commissioner of Mental Health and
2 Substance Abuse Services shall adopt minimum standards for program
3 certification for residential care homes operating as community
4 residential mental health programs as provided in this section. The
5 standards shall be adopted as rules and promulgated by the ~~Board of~~
6 ~~Mental Health and Substance Abuse Services~~ Commissioner pursuant to
7 the provisions of the Administrative Procedures Act.

8 B. The program certification standards adopted by the ~~Board~~
9 Commissioner shall provide for a system of classification of
10 community residential mental health programs based upon the level of
11 care required by residents of the facility and establish minimum
12 program certification standards for each classification. The
13 program certification standards adopted by the ~~Board~~ Commissioner
14 for each classification shall be such that residential care
15 facilities having a valid contract with the Department and licensed
16 by the State Department of Health on July 1, 1988, shall be
17 qualified and eligible for program certification within an
18 appropriate classification.

19 C. The Department shall terminate the contract of any home that
20 fails to meet contract provisions regarding financial statements.

21 D. The Department of Mental Health and Substance Abuse Services
22 is authorized to establish and collect certification and renewal
23 fees for certification of community residential mental health
24 facilities and programs as provided in Section 3-324 of this title.

1 E. Failure to comply with rules and standards promulgated by
2 the ~~Board~~ Commissioner shall be grounds for revocation, suspension
3 or nonrenewal of certification.

4 SECTION 17. AMENDATORY 43A O.S. 2011, Section 3-317, as
5 amended by Section 2, Chapter 213, O.S.L. 2013 (43A O.S. Supp. 2018,
6 Section 3-317), is amended to read as follows:

7 Section 3-317. A. The ~~Board of Mental Health and Substance~~
8 ~~Abuse Services, or the~~ Commissioner of Mental Health and Substance
9 Abuse Services ~~upon delegation by the Board,~~ shall certify
10 community-based structured crisis centers for the provision of
11 nonhospital emergency services for mental health and substance abuse
12 crisis intervention. The ~~Board~~ Commissioner shall promulgate rules
13 for the certification of community-based structured crisis centers.

14 B. No community-based structured crisis center shall operate or
15 continue to operate unless the facility complies with the rules
16 promulgated by the ~~Board~~ Commissioner and is certified as required
17 by this section.

18 C. For the purposes of this section, "community-based
19 structured crisis center" means any certified community mental
20 health center, comprehensive community addiction recovery center, or
21 facility operated by the Department of Mental Health and Substance
22 Abuse Services which is established and maintained for the purpose
23 of providing community-based mental health and substance abuse
24 crisis stabilization services including, but not limited to,

1 observation, evaluation, emergency treatment and referral, when
2 necessary, for inpatient psychiatric or substance abuse treatment
3 services.

4 D. The Department ~~of Mental Health and Substance Abuse Services~~
5 is authorized to establish and collect certification and renewal
6 fees for certification of community-based structured crisis centers
7 as provided in Section 3-324 of this title.

8 E. Certified community-based structured crisis centers shall
9 comply with standards adopted by the ~~Board~~ Commissioner. Such
10 standards shall be in compliance with:

11 1. The Joint Commission on Accreditation of Healthcare
12 Organizations;

13 2. The Commission on Accreditation of Rehabilitation
14 Facilities;

15 3. The Council on Accreditation (COA); or

16 4. Approved medical and professional standards as determined by
17 the ~~Board~~ Commissioner.

18 SECTION 18. AMENDATORY 43A O.S. 2011, Section 3-318, as
19 amended by Section 1, Chapter 111, O.S.L. 2017 (43A O.S. Supp. 2018,
20 Section 3-318), is amended to read as follows:

21 Section 3-318. A. The ~~Board~~ Commissioner of Mental Health and
22 Substance Abuse Services shall promulgate rules and standards for
23 certification of behavioral health case managers who are:

24 1. Employed by the state;

1 2. Employed by behavioral services providers contracting with
2 the state to provide behavioral health services;

3 3. Employed by a tribe or tribal facility that provides
4 behavioral health services; or

5 4. Employed by an Oklahoma Department of Veterans Affairs or a
6 United States Department of Veterans Affairs facility.

7 B. Such rules and standards shall address criteria for
8 certification and renewal, including minimum education requirements,
9 examination and supervision requirements, continuing education
10 requirements, and rules of professional conduct.

11 C. Application for certification as a behavioral health case
12 manager shall be made to the Department of Mental Health and
13 Substance Abuse Services on prescribed forms. The ~~Board, or the~~
14 Commissioner of Mental Health and Substance Abuse Services ~~upon~~
15 ~~delegation by the Board,~~ may certify the behavioral health case
16 manager for a period of two (2) years subject to renewal as provided
17 in the rules promulgated by the ~~Board~~ Commissioner.

18 D. The ~~Board~~ Commissioner is authorized to establish an
19 application and renewal fee of no more than One Hundred Dollars
20 (\$100.00) to defray the costs incurred in the certification process.

21 E. Behavioral health case managers certified by ~~the Board or~~
22 the Commissioner shall only use the title "certified behavioral
23 health case manager" if employed by the state, employed by
24 behavioral services providers contracting with the state to provide

1 behavioral health services, employed by a tribe or tribal facility
2 that provides behavioral health services or employed by an Oklahoma
3 Department of Veterans Affairs or a United States Department of
4 Veterans Affairs facility. This section shall not be construed to
5 permit the certified behavioral health case manager to practice any
6 of the following professions or use the following titles unless also
7 licensed or accredited by the appropriate authority: physician,
8 psychologist, clinical social worker, professional counselor,
9 marital and family therapist, behavioral practitioner, or alcohol
10 and drug counselor.

11 F. Failure to comply with rules and standards promulgated by
12 the ~~Board~~ Commissioner shall be grounds for revocation, suspension
13 or nonrenewal of certification.

14 G. No behavioral health case manager shall operate or continue
15 to operate as a behavioral health case manager unless the case
16 manager complies with the rules promulgated by the ~~Board~~
17 Commissioner and is certified as required by this section.

18 SECTION 19. AMENDATORY 43A O.S. 2011, Section 3-319, is
19 amended to read as follows:

20 Section 3-319. A. The ~~Board~~ Commissioner of Mental Health and
21 Substance Abuse Services shall promulgate rules and standards for
22 certification of facilities or organizations that desire to be
23 certified as a program of assertive community treatment for the
24

1 provision of community-based comprehensive treatment for persons
2 with serious mental illness and related disorders.

3 B. Applications for certification as a program of assertive
4 community treatment shall be made to the Department on prescribed
5 forms. The ~~Board, or the Commissioner upon delegation by the Board,~~
6 may certify the program of assertive community treatment for a
7 period of three (3) years subject to renewal as provided in the
8 rules promulgated by the ~~Board~~ Commissioner. The Department of
9 Mental Health and Substance Abuse Services is authorized to
10 establish and collect certification and renewal fees for
11 certification of programs for assertive community treatment as
12 provided in Section 3-324 of this title.

13 C. No program of assertive community treatment shall operate or
14 continue to operate unless the program complies with the rules
15 promulgated by the ~~Board~~ Commissioner and is certified as required
16 by this section.

17 D. Failure to comply with regulations and standards promulgated
18 by the ~~Board~~ Commissioner shall be grounds for revocation,
19 suspension or nonrenewal of certification.

20 SECTION 20. AMENDATORY 43A O.S. 2011, Section 3-320, is
21 amended to read as follows:

22 Section 3-320. A. The ~~Board~~ Commissioner of Mental Health and
23 Substance Abuse Services shall promulgate rules and standards for
24 certification of eating disorder treatment programs and for private

1 facilities and organizations that offer eating disorder treatment
2 services in this state. Such facilities and organizations shall be
3 known as "Certified Eating Disorder Treatment Programs".

4 B. For purposes of this section, "eating disorder treatment"
5 means any treatment for anorexia nervosa, bulimia nervosa, or any
6 other severe disturbances in eating behavior specified in the most
7 current edition of the Diagnostic and Statistical Manual of Mental
8 Disorders.

9 C. Applications for certification as a certified eating
10 disorder treatment program, pursuant to the provisions of this
11 section, shall be made to the Department of Mental Health and
12 Substance Abuse Services on prescribed forms. The ~~Board, or the~~
13 ~~Commissioner upon delegation by the Board,~~ may certify the program
14 for a period of three (3) years subject to renewal as provided in
15 the rules promulgated by the ~~Board~~ Commissioner. Nothing in this
16 section shall preclude the Department from making inspection visits
17 to a program to determine program compliance.

18 D. Hospitals licensed by the State Department of Health shall
19 be exempt from certification requirements. In addition, licensed
20 physicians, licensed psychologists, licensed social workers,
21 individual members of the clergy, licensed marital and family
22 therapists, registered nurses, licensed behavioral practitioners,
23 and licensed professional counselors shall be exempt from
24 certification requirements; provided, however, these exemptions

1 shall only apply to individual professional persons in their private
2 practices and not to any eating disorder treatment program operated
3 by such person.

4 E. The Department of Mental Health and Substance Abuse Services
5 is authorized to establish and collect certification and renewal
6 fees for certification of eating disorder treatment programs as
7 provided in Section 3-324 of this title.

8 F. Failure to comply with rules and standards promulgated by
9 the ~~Board~~ Commissioner shall be grounds for revocation, suspension
10 or nonrenewal of certification.

11 G. No eating disorder treatment program shall operate or
12 continue to operate unless the facility complies with the rules
13 promulgated by the ~~Board~~ Commissioner and is certified as required
14 by this section.

15 SECTION 21. AMENDATORY 43A O.S. 2011, Section 3-322, is
16 amended to read as follows:

17 Section 3-322. A. The ~~Board~~ Commissioner of Mental Health and
18 Substance Abuse Services shall promulgate rules and standards for
19 certification of gambling addiction treatment programs and for
20 private facilities and organizations which offer gambling addiction
21 treatment services in this state. These facilities and
22 organizations shall be known as "Certified Gambling Addiction
23 Treatment Programs".
24

1 B. Applications for certification as a certified gambling
2 addiction treatment program, pursuant to the provisions of this
3 section, shall be made to the Department of Mental Health and
4 Substance Abuse Services on prescribed forms. The ~~Board, or the~~
5 Commissioner of Mental Health and Substance Abuse Services ~~upon~~
6 ~~delegation by the Board,~~ may certify the program for a period of
7 three (3) years, subject to renewal as provided in rules promulgated
8 by the ~~Board~~ Commissioner. Nothing in this section shall preclude
9 the Department from making inspection visits to a program to
10 determine program compliance.

11 C. Hospitals licensed by the State Department of Health shall
12 be exempt from certification requirements. In addition, licensed
13 physicians, licensed psychologists, licensed social workers,
14 individual members of the clergy, licensed marital and family
15 therapists, registered nurses, licensed behavioral practitioners,
16 and licensed professional counselors shall be exempt from
17 certification requirements; provided, however, these exemptions
18 shall only apply to individual professional persons in their private
19 practices and not to any gambling addiction treatment program
20 operated by the person.

21 D. Facilities providing services for gambling addiction shall
22 comply with standards promulgated by the ~~Board~~ Commissioner;
23 provided, that the certification requirements and standards shall
24 not apply to programs and services offered by other state agencies.

1 The gambling addiction treatment programs certified pursuant to the
2 provisions of this section shall cooperate with inspection personnel
3 of the state and shall promptly file all reports required by the
4 Department. Failure to comply with rules and standards of the ~~Board~~
5 Commissioner shall be ground for revocation of certification, after
6 proper notice and hearing.

7 E. The Department of Mental Health and Substance Abuse Services
8 is authorized to establish and collect certification and renewal
9 fees for certification of gambling addiction treatment programs as
10 provided in Section 3-324 of this title.

11 F. Failure to comply with rules and standards promulgated by
12 the ~~Board~~ Commissioner shall be grounds for revocation, suspension
13 or nonrenewal of certification.

14 G. No gambling addiction treatment program shall operate or
15 continue to operate unless the facility complies with the rules
16 promulgated by the ~~Board~~ Commissioner and is certified as required
17 by this section.

18 SECTION 22. AMENDATORY 43A O.S. 2011, Section 3-323A, is
19 amended to read as follows:

20 Section 3-323A. A. The ~~Board~~ Commissioner of Mental Health and
21 Substance Abuse Services shall promulgate rules and standards for
22 certification of a facility or organization that desires to be
23 certified as a "Mental Illness Service Program".
24

1 B. Applications for certification as a mental illness service
2 program shall be made to the Department of Mental Health and
3 Substance Abuse Services on prescribed forms. The ~~Board, or the~~
4 Commissioner of Mental Health and Substance Abuse Services ~~upon~~
5 ~~delegation by the Board,~~ may certify mental illness service programs
6 for a period of three (3) years, subject to renewal as provided in
7 the rules promulgated by the ~~Board~~ Commissioner.

8 C. The Department of Mental Health and Substance Abuse Services
9 is authorized to establish and collect certification and renewal
10 fees for certification of mental illness service programs as
11 provided in Section 3-324 of Title 43A of the Oklahoma Statutes.

12 D. A certified mental illness service program shall comply with
13 standards adopted by the ~~Board~~ Commissioner. Such standards shall
14 be in compliance with:

- 15 1. The Joint Commission on Accreditation of Healthcare
16 Organizations;
- 17 2. The Commission on Accreditation of Rehabilitation
18 Facilities; or
- 19 3. Approved medical and professional standards as determined by
20 the ~~Board~~ Commissioner.

21 E. Failure to comply with rules and standards promulgated by
22 the ~~Board~~ Commissioner shall be grounds for revocation, suspension
23 or nonrenewal of certification.

24

1 SECTION 23. AMENDATORY 43A O.S. 2011, Section 3-326, as
2 last amended by Section 2, Chapter 111, O.S.L. 2017 (43A O.S. Supp.
3 2018, Section 3-326), is amended to read as follows:

4 Section 3-326. A. The ~~Board~~ Commissioner of Mental Health and
5 Substance Abuse Services shall promulgate rules for certification of
6 peer recovery support specialists who are:

- 7 1. Employed by the state;
- 8 2. Employed by a behavioral services provider contracting with
9 the state to provide behavioral health services;
- 10 3. Employed by a behavioral services provider certified by the
11 Department of Mental Health and Substance Abuse Services. Provided,
12 however, that certification as a peer recovery support specialist
13 pursuant to this subsection shall be limited to providing services
14 within the employer's area of certification;
- 15 4. Employed by a tribe or a tribal facility that provides
16 behavioral health services; or
- 17 5. Employed by an Oklahoma Department of Veterans Affairs or a
18 United States Department of Veterans Affairs facility.

19 B. Such rules shall address criteria for certification and
20 renewal, including minimum education requirements, examination and
21 supervision requirements, continuing education requirements, and
22 rules of professional conduct.

23 C. Application for certification as a peer recovery support
24 specialist shall be made to the Department of Mental Health and

1 Substance Abuse Services on prescribed forms. The ~~Board, or the~~
2 Commissioner of Mental Health and Substance Abuse Services ~~upon~~
3 ~~delegation by the Board,~~ may certify the peer recovery support
4 specialist for a period of two (2) years subject to renewal as
5 provided in the rules promulgated by the ~~Board~~ Commissioner.

6 D. The ~~Board~~ Commissioner is authorized to establish an
7 application and renewal fee of no more than One Hundred Dollars
8 (\$100.00) to defray the costs incurred in the certification process.

9 E. A peer recovery support specialist certified by ~~the Board or~~
10 the Commissioner shall only use the title "certified peer recovery
11 support specialist" if employed by the state, employed by behavioral
12 services providers contracting with or certified by the state to
13 provide behavioral health services, employed by a tribe or tribal
14 facility that provides behavioral health services or employed by an
15 Oklahoma Department of Veterans Affairs or a United States
16 Department of Veterans Affairs facility. This section shall not be
17 construed to permit the certified peer recovery support specialist
18 to practice any of the following professions or use the following
19 titles unless also licensed or accredited by the appropriate
20 authority:

- 21 1. Physician;
- 22 2. Psychologist;
- 23 3. Clinical social worker;
- 24 4. Professional counselor;

1 5. Marital and family therapist;

2 6. Behavioral practitioner; or

3 7. Alcohol and drug counselor.

4 F. No peer recovery support specialist shall operate or
5 continue to operate as a peer recovery support specialist unless the
6 peer recovery support specialist complies with the rules promulgated
7 by the ~~Board~~ Commissioner and is certified as required by this
8 section.

9 G. Failure to comply with rules promulgated by the ~~Board~~
10 Commissioner shall be grounds for revocation, suspension, or
11 nonrenewal of certification.

12 SECTION 24. AMENDATORY 43A O.S. 2011, Section 3-327, is
13 amended to read as follows:

14 Section 3-327. All certifications issued by the Department of
15 Mental Health and Substance Abuse Services shall only be effective
16 for the time period specified by rules and standards promulgated by
17 the ~~Board~~ Commissioner of Mental Health and Substance Abuse Services
18 or specifically enumerated in ~~Title 43A of the Oklahoma Statutes~~
19 this title. Unless a renewal of certification has been issued in
20 accordance with the rules and standards promulgated by the ~~Board~~
21 Commissioner, certifications shall be deemed expired as a matter of
22 law. No further action by the Department shall be required to
23 remove an expired certification.

1 SECTION 25. AMENDATORY 43A O.S. 2011, Section 3-403, as
2 last amended by Section 1, Chapter 303, O.S.L. 2017 (43A O.S. Supp.
3 2018, Section 3-403), is amended to read as follows:

4 Section 3-403. As used in the Oklahoma Alcohol and Drug Abuse
5 Services Act:

6 1. "Approved treatment facility" means any facility which:

7 a. offers either inpatient, intermediate or outpatient
8 treatment to any person suffering from alcohol or drug
9 abuse, or alcohol- or drug-related problems, and

10 b. is certified by the ~~Board~~ Commissioner of Mental
11 Health and Substance Abuse Services;

12 2. An "alcohol-dependent person" is one who uses alcoholic
13 beverages to such an extent that it impairs the health, family life,
14 or occupation of the person and compromises the health and safety of
15 the community;

16 3. A "drug-dependent person" means a person who is using a
17 controlled substance as presently defined in Section 102 of the
18 Federal Controlled Substances Act and who is in a state of psychic
19 or physical dependence, or both, arising from administration of that
20 controlled substance on an intermittent or continuous basis. Drug
21 dependence is characterized by behavioral and other responses which
22 include a strong compulsion to take the substance on a continuous
23 basis in order to experience its psychic effects, or to avoid the
24 discomfort of its absence;

1 4. "Intoxicated person" means a person whose mental or physical
2 functioning is substantially impaired as the direct result of the
3 consumption of alcohol or drugs;

4 5. "Medical detoxification" means diagnostic and treatment
5 services performed by licensed facilities for acute alcohol
6 intoxication, delirium tremens and physical and neurological
7 complications resulting from acute intoxication. Medical
8 detoxification includes the services of a physician and attendant
9 medical personnel including nurses, interns and emergency room
10 personnel, the administration of a medical examination and a medical
11 history, the use of an emergency room and emergency medical
12 equipment if warranted, a general diet of three meals each day, the
13 administration of appropriate laboratory tests, and supervision by
14 properly trained personnel until the person is no longer medically
15 incapacitated by the effects of alcohol;

16 6. "Nonmedical detoxification" means detoxification services
17 for intoxicated clients with no apparent physical or neurological
18 symptoms requiring medical treatment as a result of their
19 intoxication. Nonmedical detoxification includes providing a bed,
20 oral administration of fluids, three meals a day and the taking of
21 the client's temperature, blood pressure and pulse at least once
22 every six (6) hours for the duration of the client's stay in the
23 nonmedical detoxification service;

1 7. "Inpatient treatment" means the process of providing
2 residential diagnostic and treatment services on a scheduled basis;

3 8. "Intermediate care" means an organized therapeutic
4 environment in which a client may receive diagnostic services,
5 counseling, vocational rehabilitation and/or work therapy while
6 benefiting from the support which a full or partial residential
7 setting can provide. Intermediate care should provide a transition
8 between the inpatient detoxification facility and reintegration into
9 community life. Intermediate care must include provision for a bed,
10 three meals a day and medical support if needed;

11 9. "Transitional living facility" and "halfway house" means an
12 approved treatment facility which offers or provides temporary
13 residential accommodations, meals, supervision at all times
14 residents are in the facility or on facility premises, and services,
15 including counseling, short-term supportive care, case management,
16 mental health services or treatment services. The terms do not
17 include residential substance abuse centers which are facilities
18 that provide treatment for consumers in a live-in setting that
19 provides a regimen consisting of twenty-four (24) treatment hours
20 per week;

21 10. "Short-term supportive care" means a service rendered to
22 any person residing in a halfway house or transitional living
23 facility which is sufficient to assist the person to meet or achieve
24 an adequate level of daily living and to learn or develop adequate

1 daily living skills. Daily living skills shall include, but not be
2 limited to, resident participation in meal preparation and routine
3 housekeeping and laundry tasks. Short-term supportive assistance
4 includes, but is not limited to, assistance in the preparation of
5 meals, housekeeping, laundry tasks and personal hygiene. Short-term
6 supportive assistance shall not include medical services or personal
7 care as defined in Section 1-820 of Title 63 of the Oklahoma
8 Statutes;

9 11. "Treatment" means the broad range of emergency, inpatient,
10 intermediate and outpatient services and care, including diagnostic
11 evaluation, medical, psychiatric, psychological and social service
12 care, vocational rehabilitation and career counseling, which may be
13 extended to alcohol-dependent, intoxicated and drug-dependent
14 persons; and

15 12. "Faith-based" means an organization, association, facility
16 or program that offers services within a context of religious
17 beliefs that are articulated by the organization's, association's,
18 facility's or program's mission statement, affiliations, or
19 sponsoring entities.

20 SECTION 26. AMENDATORY 43A O.S. 2011, Section 3-406.1,
21 is amended to read as follows:

22 Section 3-406.1. A. Until June 30, 2013, the Department of
23 Mental Health and Substance Abuse Services and the Oklahoma Health
24 Care Authority shall continue to purchase, on a fee-for-service

1 basis, therapy provided by certified alcohol and drug counselors, as
2 defined in Chapter 43B, Section 1871 of Title 59 of the Oklahoma
3 Statutes, provided such therapy is provided by certified alcohol and
4 drug counselors employed from organizations or individuals under
5 contract with the Department of Mental Health and Substance Abuse
6 Services or the Oklahoma Health Care Authority.

7 B. Nothing in this section shall prohibit the ~~Board~~
8 Commissioner of Mental Health and Substance Abuse Services or the
9 Oklahoma Health Care Authority Board from initiating or terminating
10 contracts with certified substance abuse providers, establishing
11 contract limits, developing or modifying reimbursement schedules, or
12 otherwise managing appropriated resources on behalf of the state.

13 SECTION 27. AMENDATORY 43A O.S. 2011, Section 3-415, as
14 last amended by Section 1, Chapter 310, O.S.L. 2018 (43A O.S. Supp.
15 2018, Section 3-415), is amended to read as follows:

16 Section 3-415. A. 1. The ~~Board~~ Commissioner of Mental Health
17 and Substance Abuse Services shall promulgate rules and standards
18 for certification for private facilities and organizations which
19 provide treatment, counseling, recovery and rehabilitation services
20 directed toward alcohol- and drug-dependent persons. These
21 facilities and organizations shall be known as "Certified Services
22 for the Alcohol- and Drug-Dependent". Only certified facilities may
23 receive and assist alcohol- and drug-dependent persons by providing
24 treatment, recovery support and rehabilitation.

1 2. Any person violating the requirement that only certified
2 facilities may receive and assist alcohol- and drug-dependent
3 persons by providing treatment to alcohol- and drug-dependent
4 persons, upon conviction, shall be guilty of a misdemeanor. Except
5 as otherwise provided in this section, no substance abuse treatment
6 program shall operate or continue to operate unless the facility
7 complies with the rules promulgated by the ~~Board~~ Commissioner and is
8 certified as required by this section.

9 B. Applications for certification as a certified service for
10 the alcohol- and drug-dependent person pursuant to the provisions of
11 this section shall be made to the Department of Mental Health and
12 Substance Abuse Services on prescribed forms.

13 C. The ~~Board, or the~~ Commissioner of Mental Health and
14 Substance Abuse Services ~~upon delegation by the Board,~~ may certify
15 the facility for a period of not more than thirty-six (36) months
16 subject to renewal as provided.

17 D. The ~~Board or the~~ Commissioner of Mental Health and Substance
18 Abuse Services ~~upon delegation by the Board,~~ may postpone, deny
19 renewal of, revoke, or suspend the certification of the facility for
20 failure to comply with rules and standards promulgated by the ~~Board~~
21 Commissioner.

22 E. The following are exempt from the provisions of the Oklahoma
23 Alcohol and Drug Abuse Services Act:

24

- 1 1. Individual persons in private practice as licensed
2 physicians, licensed psychologists, licensed social workers,
3 registered nurses, licensed professional counselors, licensed
4 marriage and family therapists, licensed behavioral practitioners,
5 individual members of the clergy, licensed alcohol or drug abuse
6 counselors and certified alcohol or drug abuse counselors. The
7 exemption shall apply only to individual professional persons in
8 their private practice and not to any treatment facility operated by
9 the person;
- 10 2. Properly licensed hospitals, psychiatric and medical
11 surgical facilities;
- 12 3. Programs or facilities operated by a state agency;
- 13 4. Programs conducted and facilities operated by Alcoholics
14 Anonymous;
- 15 5. Programs conducted and facilities operated by the Salvation
16 Army;
- 17 6. Faith-based, nonresidential recovery programs;
- 18 7. Residential recovery-based programs with a resident capacity
19 of less than twelve; or
- 20 8. Residential recovery and recovery support programs that are
21 not collocated with certified treatment programs. However, the
22 Department of Mental Health and Substance Abuse Services shall offer
23 voluntary certification for those resident recovery and recovery
24

1 support programs that are not collocated with certified treatment
2 programs that desire Department certification.

3 F. Certified services for the alcohol- or drug-dependent person
4 shall comply with standards adopted by the ~~Board~~ Commissioner. Such
5 standards shall require that treatment and therapeutic methods shall
6 be in compliance with:

7 1. The Joint Commission on Accreditation of Healthcare
8 Organizations;

9 2. The Commission on Accreditation of Rehabilitation
10 Facilities;

11 3. The Council on Accreditation (COA); or

12 4. Approved medical and professional standards as determined by
13 the ~~Board~~ Commissioner.

14 G. Any facility or organization certified to provide certified
15 services shall cooperate with inspection personnel of the state and
16 shall promptly file all reports required by the ~~Board~~ Commissioner.

17 H. All claims by and accomplishments publicized by any
18 applicant for certification or any certified alcohol- or drug-
19 dependent organization, including but not limited to consumer count
20 and success rates, shall be documented and verifiable by the ~~Board~~
21 Commissioner.

22 I. The Department of Mental Health and Substance Abuse Services
23 is authorized to establish and collect certification and renewal
24 fees for certification of private facilities and organizations which

1 provide treatment, counseling and rehabilitation services directed
2 toward alcohol- and drug-dependent persons, as provided in Section
3 3-324 of this title.

4 J. Any materials or information received by the Department from
5 an applicant regarding the applicant's financial status shall not be
6 construed to be open records pursuant to the Oklahoma Open Records
7 Act.

8 SECTION 28. AMENDATORY 43A O.S. 2011, Section 3-453, as
9 amended by Section 151, Chapter 304, O.S.L. 2012 (43A O.S. Supp.
10 2018, Section 3-453), is amended to read as follows:

11 Section 3-453. A. Alcohol and drug substance abuse courses
12 shall be offered only by nonprofit educational institutions of
13 higher learning, governmental or nonprofit organizations.

14 B. Enrollment fees for those attending the courses shall be set
15 by the Department of Mental Health and Substance Abuse Services and
16 shall be within a range of not less than Sixty-five Dollars (\$65.00)
17 and not more than:

18 1. One Hundred Fifty Dollars (\$150.00) for a ten-hour course;

19 and

20 2. Three Hundred Sixty Dollars (\$360.00) for a twenty-four-hour
21 course.

22 C. Ten percent (10%) of each fee collected shall be remitted by
23 the institution or organization offering alcohol and drug substance
24 abuse courses to the State Treasurer to be credited to the

1 Community-based Substance Abuse Revolving Fund in the State Treasury
2 and shall be used to provide substance abuse services to the
3 indigent or to provide specialized training to alcohol and drug
4 substance abuse course facilitators. Five percent (5%) of each fee
5 collected by the Department shall be used for the administrative
6 costs related to providing such services.

7 D. Enrollment in the course shall not be limited to persons
8 ordered to enroll, attend and successfully complete the course.

9 E. All alcohol and drug substance abuse courses related to
10 driver license revocation and course facilitators shall be approved
11 and certified by the Department of Mental Health and Substance Abuse
12 Services.

13 F. The Department of Mental Health and Substance Abuse Services
14 is authorized to promulgate rules governing:

15 1. Minimum curriculum requirements for such courses;

16 2. Facilities, equipment and instructional materials for such
17 courses;

18 3. Minimum qualifications for course facilitators;

19 4. Grounds for reprimand and for revocation, suspension or
20 nonrenewal of the authority to conduct such courses and for
21 revocation of a facilitator's certification;

22 5. Attendance requirements; and
23
24

1 6. Guidelines for certifying to the Department of Mental Health
2 and Substance Abuse Services and the Department of Public Safety
3 successful completion of such course.

4 G. The Department of Mental Health and Substance Abuse Services
5 shall require that each ten-hour course shall be conducted in no
6 less than three sessions of no more than three and one-half (3 1/2)
7 hours each on three (3) separate days. For a twenty-four-hour
8 course, the Department shall require that:

9 1. Each such course shall consist of at least twenty-four (24)
10 hours;

11 2. Each such course shall consist of no more than two (2) hours
12 of education on any given day, nor more than four (4) hours in a
13 given week, and shall not contain more than ten percent (10%) films
14 on any one specialized area; and

15 3. No more than twenty-four students shall be allowed in a
16 given class.

17 H. Any institution or organization authorized under ~~this act~~
18 Section 3-451 et seq. of this title to conduct an alcohol and drug
19 substance abuse course shall certify to the Department of Public
20 Safety all persons who successfully complete such course.

21 I. Any person participating in a substance abuse treatment
22 program recommended as a result of an assessment pursuant to Section
23 3-460 of this title shall be required to pay all or part of the
24 actual cost incurred for treatment of the person, if the court

1 determines the person has the ability to pay for all or part of the
2 cost of treatment. The court shall determine the amount of
3 reimbursement the person shall pay.

4 J. Application fees for certification of course facilitators
5 shall be set by the ~~Board~~ Commissioner of Mental Health and
6 Substance Abuse Services to defray the costs of administering the
7 program and shall be:

- 8 1. Not less than One Hundred Dollars (\$100.00) and not more
9 than Two Hundred Dollars (\$200.00) upon initial application; and
- 10 2. Not less than Twenty-five Dollars (\$25.00) and not more than
11 Fifty Dollars (\$50.00) upon annual renewal.

12 K. The Director of the Office of Management and Enterprise
13 Services shall transfer unobligated monies generated from the fees
14 in subsection C of this section, deposited before November 1, 2005,
15 from the Department of Mental Health and Substance Abuse Services
16 Revolving Fund to the Community-based Substance Abuse Revolving
17 Fund, in amounts calculated by the Department.

18 L. No alcohol or drug substance abuse course shall operate or
19 continue to operate unless it is operated in compliance with the
20 rules promulgated by the ~~Board~~ Commissioner and is certified as
21 required by this section.

22 SECTION 29. AMENDATORY 43A O.S. 2011, Section 3-460, as
23 last amended by Section 152, Chapter 304, O.S.L. 2012 (43A O.S.
24 Supp. 2018, Section 3-460), is amended to read as follows:

1 Section 3-460. A. The Department of Mental Health and
2 Substance Abuse Services shall certify assessment personnel for the
3 purpose of conducting alcohol and drug assessment and evaluation
4 programs related to driver license revocation.

5 B. Application fees for certification of assessment personnel
6 shall be set by the Department to defray the costs of administering
7 the program and shall be:

8 1. Not less than One Hundred Dollars (\$100.00) and not more
9 than Two Hundred Dollars (\$200.00) upon initial application; and

10 2. Not less than Twenty-five Dollars (\$25.00) and not more than
11 One Hundred Fifty Dollars (\$150.00) upon triennial renewal.

12 C. The fee for those undergoing an assessment and evaluation
13 pursuant to this section shall be One Hundred Sixty Dollars
14 (\$160.00). A fee of Fifteen Dollars (\$15.00) shall be remitted by
15 the individual undergoing an assessment and evaluation directly to
16 the Department of Public Safety pursuant to Section 6-212 of Title
17 47 of the Oklahoma Statutes.

18 1. The Department of Public Safety shall remit ninety percent
19 (90%) of the fifteen-dollar fee collected pursuant to this section
20 to the State Treasurer to be credited to the Community-based
21 Substance Abuse Revolving Fund in the State Treasury and shall be
22 used by the Department of Mental Health and Substance Abuse
23 Services.

24

1 2. Ten percent (10%) of each fifteen-dollar fee collected by
2 the Department of Public Safety pursuant to this section shall be
3 deposited into the Department of Public Safety Restricted Revolving
4 Fund, as created in Section 2-145 of Title 47 of the Oklahoma
5 Statutes, to be used for administrative costs associated with the
6 duties imposed by this section.

7 D. The ~~Board~~ Commissioner of Mental Health and Substance Abuse
8 Services is authorized to promulgate such rules as are necessary to
9 implement the provisions of Section 3-451 et seq. of this title.
10 Failure to comply with rules and standards promulgated by the ~~Board~~
11 Commissioner shall be grounds for revocation, suspension or
12 nonrenewal of certification.

13 E. The Director of the Office of Management and Enterprise
14 Services shall transfer any unobligated monies generated by the fees
15 in subsection C of this section, deposited before November 1, 2005,
16 from the Department of Mental Health and Substance Abuse Services
17 Revolving Fund to the Community-based Substance Abuse Revolving
18 Fund, in amounts calculated by the Department.

19 F. No alcohol or drug assessment personnel shall operate or
20 continue to operate as such unless the alcohol or drug assessment
21 personnel comply with the rules promulgated by the ~~Board~~
22 Commissioner and are certified as required by this section.

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1 SECTION 30. AMENDATORY 43A O.S. 2011, Section 3-601, as
2 amended by Section 3, Chapter 111, O.S.L. 2017 (43A O.S. Supp. 2018,
3 Section 3-601), is amended to read as follows:

4 Section 3-601. A. Any Class II controlled dangerous substance,
5 when used in this state by an opioid substitution treatment program
6 for persons with a history of opioid addiction to or physiologic
7 dependence on controlled dangerous substances, shall only be used:

8 1. In treating persons with a history of addiction;

9 2. In treating persons with a one-year history of opioid
10 addiction to or physiologic dependence on controlled dangerous
11 substances, as defined by the Code of Federal Regulations, and
12 documentation of attempting another type of treatment; or

13 3. If clinically appropriate, the program physician may waive
14 the requirement of a one-year history of opioid addiction for
15 consumers within six (6) months of release from a penal institution,
16 for consumers with a pregnancy verified by the program physician, or
17 for consumers having previously received treatment for opioid
18 addiction and within two (2) years of discharge from that treatment
19 episode.

20 B. Any conviction for a violation of the provisions of this
21 section or any rules promulgated pursuant to the provisions of this
22 section shall be a felony.

23 C. For the purposes of this section, "opioid substitution
24 treatment program" means a person, private physician, or

1 organization that administers or dispenses an opioid drug to a
2 narcotic addict for the purposes of detoxification or maintenance
3 treatment or provides, when necessary and appropriate, comprehensive
4 medical and rehabilitation services. A private physician who
5 administers buprenorphine with a waiver from the Drug Enforcement
6 Administration shall not be considered an opioid substitution
7 treatment program. An opioid substitution treatment program shall
8 be certified by ~~the Board of Mental Health and Substance Abuse~~
9 ~~Services, or~~ the Commissioner of Mental Health and Substance Abuse
10 Services ~~upon delegation by the Board,~~ and registered with the
11 federal Drug Enforcement Administration for the use of an opioid
12 drug to treat narcotic addiction.

13 D. ~~The Board of Mental Health and Substance Abuse Services~~
14 Commissioner shall promulgate rules and standards for the
15 certification of all programs, private facilities, and organizations
16 which provide opioid substitution treatment directed to those
17 physiologically dependent on or addicted to opioids. These
18 facilities and organizations shall be known as "Opioid Substitution
19 Treatment Programs". Only certified facilities may receive and
20 assist opioid-dependent and addicted persons by providing Class II
21 controlled substances in opioid substitution treatment and
22 rehabilitation.

23 E. ~~The Board of Mental Health and Substance Abuse Services~~
24 Commissioner shall promulgate rules and standards regulating the

1 treatment and services provided by opioid substitution treatment
2 programs. Failure to comply with rules and standards promulgated by
3 the ~~Board~~ Commissioner shall be grounds for revocation, suspension
4 or nonrenewal of certification.

5 F. Opioid substitution treatment programs shall notify the
6 Department of Mental Health and Substance Abuse Services of plans to
7 close or relocate within a minimum of thirty (30) days prior to
8 closure or relocation.

9 G. Failure to comply with rules and standards promulgated by
10 the ~~Board of Mental Health and Substance Abuse Services~~ Commissioner
11 pursuant to this section shall be grounds for reprimand, suspension,
12 revocation or nonrenewal of certification.

13 SECTION 31. AMENDATORY 43A O.S. 2011, Section 3-603, is
14 amended to read as follows:

15 Section 3-603. A. The ~~Board~~ Commissioner of Mental Health and
16 Substance Abuse Services shall approve a standard medication fee for
17 persons participating in an opioid substitution treatment program.

18 B. A person participating in an opioid substitution treatment
19 program shall be terminated from the program if the person fails to
20 participate in counseling sessions or if the person fails to adhere
21 to the program's guidelines as promulgated by the ~~Board~~
22 Commissioner.

23
24

1 C. The ~~Board~~ Commissioner is authorized to promulgate such
2 rules as are necessary to implement ~~this act~~ Section 3-601 et seq.
3 of this title.

4 SECTION 32. AMENDATORY 43A O.S. 2011, Section 4-203, is
5 amended to read as follows:

6 Section 4-203. A. The ~~Board~~ Commissioner of Mental Health and
7 Substance Abuse Services may promulgate rules authorizing the
8 executive director or designee of a facility within the Department
9 of Mental Health and Substance Abuse Services at which a consumer is
10 being treated to charge on a sliding scale or waive the liability of
11 the consumer and estate of the consumer for the care and treatment
12 of the consumer, if it is determined that the consumer is unable to
13 pay the full amount for such care and treatment, or that the
14 consumer is an indigent person as defined in this title.

15 B. Before any charge for care and treatment is placed on a
16 sliding scale or waived there must be:

17 1. A written application and documentation demonstrating the
18 income of the consumer;

19 2. The number of dependents of the consumer;

20 3. A statement of any charges to be placed on the sliding scale
21 or waiver of indebtedness of the consumer for care and treatment;
22 and

23 4. The reasons for the placement on the sliding scale or
24 waiver. The statement must be signed by the executive director or

1 designee granting such placement on the sliding scale or waiver.
2 The statement must also be filed with the records of the consumer at
3 the facility.

4 C. For the purpose of determining the financial status or
5 ability to pay of a consumer, the estate of the consumer, or persons
6 liable for the care and treatment of the consumer, the Oklahoma Tax
7 Commission is directed to furnish to the Commissioner of Mental
8 Health and Substance Abuse Services, or designee, upon request, such
9 information as may be of record in the Commission relative to
10 consumers, and their estates.

11 SECTION 33. AMENDATORY 43A O.S. 2011, Section 5-304, is
12 amended to read as follows:

13 Section 5-304. A. The ~~Board~~ Commissioner of Mental Health and
14 Substance Abuse Services shall promulgate rules for the reception
15 and retention of voluntary consumers by state facilities.

16 B. The executive director in charge of any state facility or
17 licensed private hospital for care and treatment of the mentally ill
18 may at his or her discretion receive and retain therein as a
19 consumer:

20 1. Any person eighteen (18) years of age or over, suitable for
21 care and treatment, who voluntarily makes written application;

22 2. Any person, suitable for care and treatment at least sixteen
23 (16) years but not over eighteen (18) years of age, with the consent
24 of such person's parent or guardian.

1 C. A person received at any facility pursuant to this section
2 shall not be detained for a period exceeding seventy-two (72) hours,
3 excluding weekends and holidays, from and inclusive of the date of
4 notice in writing of his or her intention or desire to leave such
5 hospital or facility.

6 D. The applicant, or someone on behalf of the applicant, must
7 pay a bond for the cost of care and treatment or pay such cost each
8 month in advance, unless it is determined that the applicant is a
9 poor or indigent person as provided in this title.

10 SECTION 34. AMENDATORY 43A O.S. 2011, Section 5-420, is
11 amended to read as follows:

12 Section 5-420. A. The ~~Board~~ Commissioner of Mental Health and
13 Substance Abuse Services shall adopt rules and procedures to ensure
14 that persons involuntarily committed for treatment by a court
15 receive review of their involuntary status at least once every three
16 (3) months, and the Department of Mental Health and Substance Abuse
17 Services shall take appropriate action based upon this review.

18 B. Any person receiving involuntary inpatient treatment, or
19 such person's attorney, may at any time file a written request that
20 the treatment order be reviewed by the committing court, or a court
21 in the county where the person is located. If a review is
22 requested, the court shall hear the matter within thirty (30) days
23 after the request, and the court shall give notice to the person and
24 such person's attorney and the person in charge of the facility of

1 the time and place of the hearing. The hearing shall be to
2 determine if the person can be treated on a less restrictive basis.
3 At the conclusion of the hearing, the court may confirm the order of
4 treatment, modify the order of treatment, discharge the respondent,
5 or enter any appropriate order.

6 SECTION 35. AMENDATORY 43A O.S. 2011, Section 9-101, is
7 amended to read as follows:

8 Section 9-101. A. 1. An alcohol- or drug-dependent person or
9 his or her court appointed guardian may apply for voluntary
10 treatment directly to an approved treatment facility.

11 2. A minor may apply for voluntary treatment pursuant to the
12 provisions of Section 2602 of Title 63 of the Oklahoma Statutes.

13 3. A parent of a minor may consent to the voluntary admission
14 and treatment of the minor directly to an approved treatment facility
15 for substance abuse treatment.

16 B. 1. Subject to rules adopted by the ~~Board~~ Commissioner of
17 Mental Health and Substance Abuse Services, the administrator in
18 charge of an approved treatment facility may determine who shall be
19 admitted for treatment.

20 2. When a person is refused admission to an approved treatment
21 facility, the administrator, subject to rules adopted by the ~~Board~~
22 Commissioner, shall refer the person to another approved treatment
23 facility for treatment if possible and appropriate.

24

1 C. 1. When a consumer receiving inpatient care leaves an
2 approved treatment facility, the consumer shall be encouraged to
3 consent to appropriate outpatient or intermediate treatment.

4 2. If it appears to the administrator in charge of the approved
5 treatment facility that the consumer is an alcohol- or drug-dependent
6 person who requires help, the facility shall arrange for assistance
7 in obtaining supportive services and residential facilities if
8 possible and appropriate.

9 D. If the consumer is a minor or an incompetent person, the
10 request for discharge from an inpatient or residential facility shall
11 be made by a parent, spouse, or legal guardian, or by the minor if
12 the minor was voluntarily admitted.

13 SECTION 36. AMENDATORY 43A O.S. 2011, Section 13-101, is
14 amended to read as follows:

15 Section 13-101. A. Contingent upon funding, the Department of
16 Mental Health and Substance Abuse Services shall develop and
17 implement a mental health first aid pilot program. The purpose of
18 the mental health first aid pilot program shall be to train non-
19 mental-health professionals in how to support an individual in a
20 mental health crisis situation until professional help can be
21 obtained.

22 B. The Department shall adopt a curriculum which, at a minimum,
23 shall include training for individuals on the symptoms, causes and
24 evidence-based treatments for common mental health problems,

1 including, but not limited to, depression, anxiety disorders,
2 psychosis, and substance abuse disorders. The curriculum shall also
3 address possible crisis situations arising from these mental health
4 problems and steps to support an individual in a crisis situation.

5 C. The Department shall issue a certificate in mental health
6 first aid to individuals who complete the course of training. The
7 Department shall establish criteria for certification.

8 D. The Department is authorized to enter into a contract to
9 implement the provisions of this section.

10 E. On or before December 31, 2009, and annually thereafter, the
11 Department shall submit a report to the Legislature stating the
12 number of participants in the program, the number of individuals who
13 received a certificate in the program, and any recommendations for
14 improvement of the program.

15 F. The ~~Board~~ Commissioner of Mental Health and Substance Abuse
16 Services shall promulgate rules as necessary to implement the
17 provisions of this section.

18 SECTION 37. AMENDATORY 63 O.S. 2011, Section 1-219, is
19 amended to read as follows:

20 Section 1-219. The board of county commissioners of any county,
21 or the board of county commissioners of two or more counties
22 jointly, is hereby authorized, at the option and approval of ~~said~~
23 the board or boards, to conduct a child guidance program, and/or
24 community health center and/or community facility for the ~~mentally~~

1 ~~retarded~~ developmentally disabled, separate and apart from or in
2 conjunction with the county department of health, and to request as
3 a part of the county budget an appropriation of not to exceed an
4 amount equal to the net proceeds of a levy of three-fourths (3/4)
5 mill on the dollar valuation of taxable property in the county for
6 such purpose or purposes; and to employ personnel, within the limits
7 of such funds, to conduct such program or programs. Provided, that
8 any center or facility for mental health services established or
9 maintained hereunder shall first be approved by the ~~State Director~~
10 ~~of Mental Health on advice of the Board of Mental Health~~
11 Commissioner of Mental Health and Substance Abuse Services and shall
12 operate under the guidelines of the Oklahoma Mental Health Services
13 Act; and any center or facility for ~~mental retardation~~ services to
14 the developmentally disabled established or maintained hereunder
15 shall first be approved by the Director of the Department of
16 ~~Institutions, Social and Rehabilitative Services on the advice of~~
17 ~~the Oklahoma Welfare Commission and shall operate under regulations~~
18 ~~prescribed by the Oklahoma Public Welfare Commission~~ Human Services.

19 SECTION 38. AMENDATORY 63 O.S. 2011, Section 1-502.1, as
20 amended by Section 1, Chapter 246, O.S.L. 2013 (63 O.S. Supp. 2018,
21 Section 1-502.1), is amended to read as follows:

22 Section 1-502.1. A. All agencies and organizations that
23 regularly employ emergency medical technicians, paramedics,
24 firefighters, peace officers, as defined in Section 648 of Title 21

1 of the Oklahoma Statutes, correctional officers and employees, or
2 health care workers, all mental health or ~~mentally retarded~~
3 treatment or evaluation programs for the developmentally disabled
4 that employ persons involved with providing care for patients, the
5 J.D. McCarty Center for Children with Developmental Disabilities,
6 and all juvenile institutions of the Department of Human Services
7 shall implement the universal precautions for the prevention of the
8 transmission of communicable diseases published by the Centers for
9 Disease Control, U.S. Public Health Service, in the Morbidity and
10 Mortality Weekly Report, Volume 36, Number 2S or as subsequently
11 amended.

12 B. The State Board of Health shall promulgate rules and
13 guidelines that will implement a system of notification of emergency
14 medical technicians, paramedics, firefighters, health care workers,
15 funeral directors, peace officers, and any person who in good faith
16 renders aid in accordance with the Good Samaritan Act relating to
17 risk exposures during health care activities, emergency response
18 activities or funeral preparations. Risk exposure shall be defined
19 by the State Board of Health to be exposure that is
20 epidemiologically demonstrated to have the potential for
21 transmitting a communicable disease.

22 C. The ~~Board~~ Commissioner of Mental Health and Substance Abuse
23 Services, Department of Human Services, Oklahoma Cerebral Palsy
24 Commission, and State Board of Corrections shall each promulgate

1 rules, guidelines or policies to provide for such notification of
2 risk exposures to persons employed by such agencies.

3 SECTION 39. REPEALER 10 O.S. 2011, Sections 1406 and
4 1410, are hereby repealed.

5 SECTION 40. REPEALER 43A O.S. 2011, Sections 2-103, as
6 amended by Section 1, Chapter 280, O.S.L. 2017, 2-105 and 3-405 (43A
7 O.S. Supp. 2018, Section 2-103), are hereby repealed.

8 SECTION 41. It being immediately necessary for the preservation
9 of the public peace, health or safety, an emergency is hereby
10 declared to exist, by reason whereof this act shall take effect and
11 be in full force from and after its passage and approval.

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