

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 811

By: David of the Senate

and

Enns of the House

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10 COMMITTEE SUBSTITUTE

11 An Act relating to mental health; amending 43A O.S.
12 2011, Section 3-403, as amended by Section 3, Chapter
13 213, O.S.L. 2013 (43A O.S. Supp. 2016, Section 3-
14 403), which relates to the Oklahoma Alcohol and Drug
15 Abuse Services Act; modifying definition; and
16 providing an effective date.

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

18 SECTION 1. AMENDATORY 43A O.S. 2011, Section 3-403, as
19 amended by Section 3, Chapter 213, O.S.L. 2013 (43A O.S. Supp. 2016,
20 Section 3-403), is amended to read as follows:

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

23 1. "Approved treatment facility" means any facility which:
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- a. offers either inpatient, intermediate or outpatient treatment to any person suffering from alcohol or drug abuse, or alcohol- or drug-related problems, and
- b. is certified by the Board of Mental Health and Substance Abuse Services;

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

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

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

5. "Medical detoxification" means diagnostic and treatment services performed by licensed facilities for acute alcohol intoxication, delirium tremens and physical and neurological

1 complications resulting from acute intoxication. Medical
2 detoxification includes the services of a physician and attendant
3 medical personnel including nurses, interns and emergency room
4 personnel, the administration of a medical examination and a medical
5 history, the use of an emergency room and emergency medical
6 equipment if warranted, a general diet of three meals each day, the
7 administration of appropriate laboratory tests, and supervision by
8 properly trained personnel until the person is no longer medically
9 incapacitated by the effects of alcohol;

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

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

20 8. "Intermediate care" means an organized therapeutic
21 environment in which a client may receive diagnostic services,
22 counseling, vocational rehabilitation and/or work therapy while
23 benefiting from the support which a full or partial residential
24 setting can provide. Intermediate care should provide a transition

1 between the inpatient detoxification facility and reintegration into
2 community life. Intermediate care must include provision for a bed,
3 three meals a day and medical support if needed;

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

14 10. "Short-term supportive care" means a service rendered to
15 any person residing in a halfway house or transitional living
16 facility which is sufficient to assist the person to meet or achieve
17 an adequate level of daily living and to learn or develop adequate
18 daily living skills. Daily living skills shall include, but not be
19 limited to, resident participation in meal preparation and routine
20 housekeeping and laundry tasks. Short-term supportive assistance
21 includes, but is not limited to, assistance in the preparation of
22 meals, housekeeping, laundry tasks and personal hygiene. Short-term
23 supportive assistance shall not include medical services or personal
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1 care as defined in Section 1-820 of Title 63 of the Oklahoma
2 Statutes;

3 11. "Treatment" means the broad range of emergency, inpatient,
4 intermediate and outpatient services and care, including diagnostic
5 evaluation, medical, psychiatric, psychological and social service
6 care, vocational rehabilitation and career counseling, which may be
7 extended to alcohol-dependent, intoxicated and drug-dependent
8 persons; and

9 12. "Faith-based" means an organization, association, facility
10 or program that offers services within a context of religious
11 beliefs that are articulated by the organization's, association's,
12 facility's or program's mission statement, affiliations, or
13 sponsoring entities.

14 SECTION 2. This act shall become effective November 1, 2017.
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16 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 04/04/2017 -
17 DO PASS, As Amended.
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