

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 SENATE BILL 1155

By: Treat

6 AS INTRODUCED

7 An Act relating to the Mental Health Law of 1986;
8 amending 43A O.S. 2011, Section 1-109.1, as amended
9 by Section 2, Chapter 155, O.S.L. 2013 (43A O.S.
10 Supp. 2017, Section 1-109.1), which relates to
11 treatment advocates; directing Board of Mental Health
12 and Substance Abuse Services to review and update
13 certain form as necessary; and providing an effective
14 date.

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

14 SECTION 1. AMENDATORY 43A O.S. 2011, Section 1-109.1, as
15 amended by Section 2, Chapter 155, O.S.L. 2013 (43A O.S. Supp. 2017,
16 Section 1-109.1), is amended to read as follows:

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

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

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

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

6 5. A person holding the powers vested in a guardianship of the
7 person, a grant of general health care decision-making authority or
8 designation of health care proxy contained in an advance directive
9 for health care, or a durable power of attorney with health care
10 decision-making authority shall be the treatment advocate for the
11 patient by operation of law.

12 B. 1. The Board of Mental Health and Substance Abuse Services
13 shall promulgate rules for all facilities certified by the
14 Department of Mental Health and Substance Abuse Services as to the
15 design, contents, and maintenance of a treatment advocate consent
16 form.

17 2. The contents of the consent form, at a minimum, shall
18 include a statement indicating that the treatment advocate
19 understands that all mental health treatment information is
20 confidential and that the treatment advocate agrees to maintain
21 confidentiality. The Board shall review and update the contents as
22 necessary.

23 C. This section shall not apply to inmates of the Oklahoma
24 Department of Corrections.

SECTION 2. This act shall become effective November 1, 2018.

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