

1 ENGROSSED HOUSE
2 BILL NO. 2483

By: McCall, Lawson, Boles,
Mize, West (Josh), Osburn,
Frix, Fetgatter, West
(Tammy), Olsen, Vancuren,
McEntire, Kiger, Crosswhite
Hader, Phillips, Manger,
Steagall, Smith, Burns,
Strom, Davis, Hasenbeck,
Cornwell, Sterling, Dills,
Moore, Miller, Marti,
Fincher, Pae, May, McBride,
Bush, West (Kevin), Talley,
Sims, Stark, Conley, Lepak,
Taylor, Grego, Hardin
(David), Boatman,
Patzkowsky, Luttrell, Gann,
Echols, Kerbs, Hill,
McDugle, Johns, Kannady,
Wallace, Baker, Roberts
(Sean) and Townley of the
House

and

Treat of the Senate

16 An Act relating to the Department of Mental Health
17 and Substance Abuse Services; amending 43A O.S. 2011,
18 Sections 2-101 and 2-103, as amended by Section 1,
19 Chapter 280, O.S.L. 2017 (43A O.S. Supp. 2018,
20 Section 2-103), which relate to the Board of Mental
21 Health and Substance Abuse Services; authorizing
22 Governor to appoint Commissioner; providing for
23 determination of compensation; modifying appointment
24 of members of the Board; authorizing the Legislature
to remove the Commissioner from office; specifying
vote required for removal; and declaring an
emergency.

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

2 SECTION 1. AMENDATORY 43A O.S. 2011, Section 2-101, is
3 amended to read as follows:

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

6 2. This Department's governing board shall be the Board of
7 Mental Health and Substance Abuse Services, and its chief executive
8 officer shall be the Commissioner of Mental Health and Substance
9 Abuse Services. The Commissioner shall be appointed by the Governor
10 with the advice and consent of the Senate and shall serve at the
11 pleasure of the Governor and may be removed or replaced without
12 cause. Compensation for the Commissioner shall be determined by the
13 Governor. The Commissioner may be removed from office by a two-
14 thirds (2/3) vote of the members elected to and constituting each
15 chamber of the Legislature.

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 of Mental Health and Substance Abuse Services,
2 respectively.

3 SECTION 2. AMENDATORY 43A O.S. 2011, Section 2-103, as
4 amended by Section 1, Chapter 280, O.S.L. 2017 (43A O.S. Supp. 2018,
5 Section 2-103), is amended to read as follows:

6 Section 2-103. A. The Board of Mental Health and Substance
7 Abuse Services shall be composed of ~~eleven (11) members, appointed~~
8 ~~by the Governor, with the advice and consent of the Senate. Each~~
9 ~~term is for a seven-year period and members may be reappointed to~~
10 ~~subsequent terms. Board members shall meet the following criteria:~~

11 ~~1. One member, who shall be an allopathic physician licensed to~~
12 ~~practice in this state and appointed from a list containing the~~
13 ~~names of not less than two allopathic physicians and not less than~~
14 ~~two psychiatrists submitted to the Governor by the Oklahoma State~~
15 ~~Medical Association;~~

16 ~~2. One member shall be an osteopathic physician licensed to~~
17 ~~practice in this state, appointed from a list containing the names~~
18 ~~of not less than two osteopathic physicians and not less than two~~
19 ~~psychiatrists submitted to the Governor by the Oklahoma Osteopathic~~
20 ~~Association;~~

21 ~~3. One member, who shall be an attorney licensed to practice in~~
22 ~~this state and shall be appointed from a list of not less than three~~
23 ~~names submitted to the Governor by the Board of Governors of the~~
24 ~~Oklahoma Bar Association;~~

1 ~~4. One member, who shall be a psychologist, licensed to~~
2 ~~practice in this state, who shall be appointed from a list of not~~
3 ~~less than three names submitted to the Governor by the Oklahoma~~
4 ~~State Psychological Association;~~

5 ~~5. Three members, qualified by education and experience in the~~
6 ~~area of substance abuse recovery, who shall be appointed from a list~~
7 ~~of not less than ten names submitted to the Governor by a state~~
8 ~~association of substance abuse recovery programs or organizations;~~
9 ~~and~~

10 ~~6. Four members who shall be citizens of this state, at least~~
11 ~~one of whom shall be either a current or former consumer of mental~~
12 ~~health services.~~

13 ~~B. At least one physician appointed pursuant to paragraph 1 or~~
14 ~~paragraph 2 of subsection A of this section shall be a psychiatrist~~
15 ~~certified as a diplomate of the American Board of Psychiatry and~~
16 ~~Neurology, or as a diplomate of the American Osteopathic Board of~~
17 ~~Neurology and Psychiatry.~~

18 ~~C. No person shall be appointed a member of the Board who has~~
19 ~~been a member of the Legislature of this state within the preceding~~
20 ~~five (5) years the following nine (9) members:~~

21 1. Five members appointed by the Governor;

22 2. Two members appointed by the Speaker of the House of
23 Representatives; and

1 3. Two members appointed by the President Pro Tempore of the
2 Senate.

3 B. 1. Each member shall serve at the pleasure of his or her
4 appointing authority and may be removed or replaced without cause.

5 2. Any member of the Board shall be prohibited from voting on
6 any issue in which the member has a direct financial interest.

7 3. The Commissioner of Mental Health and Substance Abuse
8 Services shall be an ex officio member of the Board, but shall be
9 entitled to vote only in case of a tie vote.

10 ~~D.~~ C. The Board shall elect from among its members a chair and
11 a vice-chair. The chair may call meetings at any time.

12 ~~E.~~ D. All regularly scheduled meetings of the Board shall be
13 held at the Central Office of the Department of Mental Health and
14 Substance Abuse Services, Oklahoma City, Oklahoma, unless otherwise
15 scheduled. Six members shall constitute a quorum at any meeting,
16 and all action may be taken by an affirmative vote of the majority
17 of the members present at any such meeting.

18 ~~F.~~ E. The action taken by the Board on any matter, or any
19 document passed by the Board, shall be considered official when such
20 action is placed in writing and signed by the chair or vice-chair.

21 ~~G.~~ F. The duties of the Board shall pertain to the care,
22 treatment, and hospitalization of persons with mental illness, or
23 alcohol- or drug-dependent persons.

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1 ~~H.~~ G. Members of the Board of Mental Health and Substance Abuse
2 Services shall be allowed their necessary travel expenses pursuant
3 to the provisions of the State Travel Reimbursement Act.

4 ~~H.~~ H. Members of the Board of Mental Health and Substance Abuse
5 Services shall be allowed to serve on the State Board of Medical
6 Licensure and Supervision and the State Board of Osteopathic
7 Examiners during members' terms on the Board of Mental Health and
8 Substance Abuse Services.

9 SECTION 3. It being immediately necessary for the preservation
10 of the public peace, health or safety, an emergency is hereby
11 declared to exist, by reason whereof this act shall take effect and
12 be in full force from and after its passage and approval.

13 Passed the House of Representatives the 6th day of March, 2019.

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Presiding Officer of the House
of Representatives

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Passed the Senate the ___ day of _____, 2019.

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Presiding Officer of the Senate

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