

An Act

ENROLLED HOUSE
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), Townley, Wright and
Ford of the House

and

Treat of the Senate

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

SUBJECT: Mental Health and Substance Abuse Services

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

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

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

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

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

B. All references in the Oklahoma Statutes to the Department of Mental Health or the Board of Mental Health shall be construed to refer to the Department of Mental Health and Substance Abuse Services or the Board of Mental Health and Substance Abuse Services, respectively.

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

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

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

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

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

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

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

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

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

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

~~1. Five members appointed by the Governor;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

Presiding Officer of the House
of Representatives

Passed the Senate the 13th day of March, 2019.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____