

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 57th Legislature (2019)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2483

By: McCall, **Lawson**, **Boles** and  
**Mize**

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9                                   COMMITTEE SUBSTITUTE

10           An Act relating to the Department of Mental Health  
11           and Substance Abuse Services; amending 43A O.S. 2011,  
12           Sections 2-101 and 2-103, as amended by Section 1,  
13           Chapter 280, O.S.L. 2017 (43A O.S. Supp. 2018,  
14           Section 2-103), which relate to the Board of Mental  
15           Health and Substance Abuse Services; authorizing  
16           Governor to appoint Commissioner; providing for  
17           determination of compensation; modifying appointment  
18           of members of the Board; and declaring an emergency.

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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

1 Abuse Services. The Commissioner shall be appointed by the Governor  
2 with the advice and consent of the Senate and shall serve at the  
3 pleasure of the Governor and may be removed or replaced without  
4 cause. Compensation for the Commissioner shall be determined by the  
5 Governor.

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

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

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

19 Section 2-103. A. The Board of Mental Health and Substance  
20 Abuse Services shall be composed of ~~eleven (11) members, appointed~~  
21 ~~by the Governor, with the advice and consent of the Senate. Each~~  
22 ~~term is for a seven-year period and members may be reappointed to~~  
23 ~~subsequent terms. Board members shall meet the following criteria:~~  
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1       ~~1. One member, who shall be an allopathic physician licensed to~~  
2 ~~practice in this state and appointed from a list containing the~~  
3 ~~names of not less than two allopathic physicians and not less than~~  
4 ~~two psychiatrists submitted to the Governor by the Oklahoma State~~  
5 ~~Medical Association;~~

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

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

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

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

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

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

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

12 1. Five members appointed by the Governor;

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

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

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

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

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

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

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

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

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

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

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

23       SECTION 3. It being immediately necessary for the preservation  
24 of the public peace, health or safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

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4 COMMITTEE REPORT BY: COMMITTEE ON GOVERNMENT EFFICIENCY, dated  
5 02/27/2019 - DO PASS, As Amended and Coauthored.

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