

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

HOUSE BILL 1637

By: Randleman

AS INTRODUCED

An Act relating to mental health; amending 43A O.S. 2011, Sections 3-306, 3-310, and 3-317, as amended by Section 2, Chapter 213, O.S.L. 2013 (43A O.S. Supp. 2020, Section 3-317), which relate to the Department of Mental Health and Substance Abuse Services; limiting authority; modifying requirement; modifying definition; and providing an effective date.

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

SECTION 1. AMENDATORY 43A O.S. 2011, Section 3-306, is amended to read as follows:

Section 3-306. A. The Board of Mental Health and Substance Abuse Services shall have the responsibility and authority to:

1. Promulgate rules governing eligibility of public agencies or mental health facilities to contract with the Department of Mental Health and Substance Abuse Services;

2. Prescribe standards for qualifications of personnel and quality of professional services;

1 3. Ensure eligibility for community mental health services so
2 that no person will be denied services on the basis of race, color
3 or creed or inability to pay; and

4 4. Promulgate such other rules as may be necessary to carry out
5 the provisions of the Unified Community Mental Health Services Act.

6 B. The Department shall have the following responsibilities and
7 authority to:

8 1. Provide technical assistance to community mental health
9 facilities and boards;

10 2. Provide clinical, fiscal and management audit of services
11 and facilities;

12 3. Approve and compile catchment area plans and budget requests
13 into a statewide mental health plan and budget for submission to the
14 Governor, Legislature and federal funding sources as appropriate;
15 and

16 4. Assist mental health facilities in the recruitment of
17 qualified personnel and in conducting in-service training programs.

18 C. The Department shall not have the authority to limit the
19 number of certified community mental health centers in each service
20 area.

21 SECTION 2. AMENDATORY 43A O.S. 2011, Section 3-310, is
22 amended to read as follows:

23 Section 3-310. Any ~~nonprofit~~ private agency providing services
24 pursuant to a contract or subcontract with the Department of Mental

1 Health and Substance Abuse Services, the Board of Mental Health and
2 Substance Abuse Services or any facility of the Department of Mental
3 Health and Substance Abuse Services and receiving funds disbursed
4 thereof shall submit information on operating budgets and employee
5 salaries and benefits to the Department of Mental Health and
6 Substance Abuse Services.

7 SECTION 3. AMENDATORY 43A O.S. 2011, Section 3-317, as
8 amended by Section 2, Chapter 213, O.S.L. 2013 (43A O.S. Supp. 2020,
9 Section 3-317), is amended to read as follows:

10 Section 3-317. A. The Board of Mental Health and Substance
11 Abuse Services, or the Commissioner of Mental Health and Substance
12 Abuse Services upon delegation by the Board, shall certify
13 community-based structured crisis centers for the provision of
14 nonhospital emergency services for mental health and substance abuse
15 crisis intervention. The Board shall promulgate rules for the
16 certification of community-based structured crisis centers.

17 B. No community-based structured crisis center shall operate or
18 continue to operate unless the facility complies with the rules
19 promulgated by the Board and is certified as required by this
20 section.

21 C. For the purposes of this section, "community-based
22 structured crisis center" means any certified community mental
23 health center, comprehensive community addiction recovery center,
24 private agency contracted by the Department of Mental Health and

1 Substance Abuse Services, or facility operated by the Department
2 which is established and maintained for the purpose of providing
3 community-based mental health and substance abuse crisis
4 stabilization services including, but not limited to, observation,
5 evaluation, emergency treatment and referral, when necessary, for
6 inpatient psychiatric or substance abuse treatment services.

7 D. The Department of Mental Health and Substance Abuse Services
8 is authorized to establish and collect certification and renewal
9 fees for certification of community-based structured crisis centers
10 as provided in Section 3-324 of this title.

11 E. Certified community-based structured crisis centers shall
12 comply with standards adopted by the Board. Such standards shall be
13 in compliance with:

14 1. The Joint Commission on Accreditation of Healthcare
15 Organizations;

16 2. The Commission on Accreditation of Rehabilitation
17 Facilities;

18 3. The Council on Accreditation (COA); or

19 4. Approved medical and professional standards as determined by
20 the Board.

21 SECTION 4. This act shall become effective November 1, 2021.

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