

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

HOUSE BILL 3210

By: Nichols

AS INTRODUCED

An Act relating to the Department of Mental Health and Substance Abuse Services; amending 43A O.S. 2021, Section 2-101, which relates to the Board of Mental Health and Substance Abuse Services; modifying the procedure for appointment of the Commissioner; amending 43A O.S. 2021, Section 2-103, which relates to the Board of Mental Health and Substance Abuse Services; modifying the terms of service of Board members; amending 43A O.S. 2021, Section 2-201, which relates to the Commissioner of Mental Health and Substance Abuse Services; modifying appointment process; and providing an effective date.

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

SECTION 1. AMENDATORY 43A O.S. 2021, 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~~ from among three

1 candidates whom the Board shall select. The Commissioner shall
2 serve at the pleasure of the ~~Governor~~ Board and may be removed or
3 replaced ~~without~~ with cause. Compensation for the Commissioner
4 shall be determined by the ~~Governor~~ Board. ~~The Commissioner may be~~
5 ~~removed from office by a two-thirds (2/3) vote of the members~~
6 ~~elected to and constituting each chamber of the Legislature.~~

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

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

17 SECTION 2. AMENDATORY 43A O.S. 2021, Section 2-103, is
18 amended to read as follows:

19 Section 2-103. A. The Board of Mental Health and Substance
20 Abuse Services shall be composed of 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~~ until the end of
4 the term of his or her appointing authority and may be removed or
5 replaced ~~without~~ with cause.

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

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

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

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

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

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

1 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. 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. AMENDATORY 43A O.S. 2021, Section 2-201, is
10 amended to read as follows:

11 Section 2-201. A. A Commissioner of Mental Health and
12 Substance Abuse Services shall be appointed by the Governor from
13 among three candidates selected by the Board of Mental Health and
14 Substance Abuse Services. The Commissioner may only be removed by
15 the Board for cause. The Commissioner shall meet at least one of
16 the following qualifications:

17 1. Possession of a Doctor of Medicine Degree and a license to
18 practice medicine in this state;

19 2. Possession of an Osteopathic Medicine Degree and a license
20 to practice medicine in this state;

21 3. Possession of a Doctor of Public Health Degree;

22 4. Possession of a Doctoral Degree in Psychology and a license
23 to practice psychology in this state;

1 5. Possession of a Master of Public Health Degree and a minimum
2 of five (5) years of supervisory experience in the administration of
3 health services; or

4 6. Possession of a Master of Arts or Master's Degree in
5 Business Administration, Social Science or a related field and a
6 minimum of five (5) years of supervisory experience in the
7 administration of health services.

8 B. The salary of the Commissioner shall be fixed by the Board.

9 SECTION 4. This act shall become effective November 1, 2022.

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