

**COMMITTEE AMENDMENT**

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3451 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by  
inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Jeff Boatman

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

PROPOSED COMMITTEE  
SUBSTITUTE  
FOR  
HOUSE BILL NO. 3451

By: Boatman

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to mental health; amending 43A O.S. 2021, Section 1-103, as amended by Section 1, Chapter 297, O.S.L. 2022 (43A O.S. Supp. 2023, Section 1-103), which relates to definitions; clarifying a definition; and providing an effective date.

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

SECTION 1. AMENDATORY 43A O.S. 2021, Section 1-103, as amended by Section 1, Chapter 297, O.S.L. 2022 (43A O.S. Supp. 2023, Section 1-103), is amended to read as follows:

When used in this title, unless otherwise expressly stated, or unless the context or subject matter otherwise requires:

1. "Department" means the Department of Mental Health and Substance Abuse Services;
2. "Chair" means the chair of the Board of Mental Health and Substance Abuse Services;
3. "Mental illness" means a substantial disorder of thought, mood, perception, psychological orientation or memory that

1 significantly impairs judgment, behavior, capacity to recognize  
2 reality or ability to meet the ordinary demands of life;

3 4. "Board" means the Board of Mental Health and Substance Abuse  
4 Services as established by the Mental Health Law;

5 5. "Commissioner" means the Commissioner of Mental Health and  
6 Substance Abuse Services;

7 6. "Indigent person" means a person who ~~has~~ does not have  
8 sufficient assets or resources to support the person and to support  
9 members of the family of the person lawfully dependent on the person  
10 for support;

11 7. "Facility" means any hospital, school, building, house or  
12 retreat, authorized by law to have the care, treatment or custody of  
13 an individual with mental illness, ~~or~~ drug or alcohol dependency,  
14 gambling addiction, or an eating disorders, an opioid substitution  
15 ~~treatment program~~ disorder including, but not limited to, public or  
16 private hospitals, community mental health centers, clinics,  
17 satellites ~~or facilities~~, and community-based structured crisis  
18 centers; provided, that facility shall not mean a child guidance  
19 center operated by the State Department of Health;

20 8. "Consumer" means a person under care or treatment in a  
21 facility pursuant to the Mental Health Law, or in an outpatient  
22 status;

1        9. "Care and treatment" means medical care and behavioral  
2 health services, as well as food, clothing and maintenance,  
3 furnished to a person;

4        10. Whenever in this law or in any other law, or in any rule or  
5 order made or promulgated pursuant to this law or to any other law,  
6 or in the printed forms prepared for the admission of consumers or  
7 for statistical reports, the words "insane", "insanity", "lunacy",  
8 "mentally sick", "mental disease" or "mental disorder" are used,  
9 such terms shall have equal significance to the words "mental  
10 illness";

11       11. "Licensed mental health professional" means:

- 12           a. a psychiatrist who is a diplomate of the American  
13           Board of Psychiatry and Neurology,
- 14           b. a psychiatrist who is a diplomate of the American  
15           Osteopathic Board of Neurology and Psychiatry,
- 16           c. a physician licensed pursuant to the Oklahoma  
17           Allopathic Medical and Surgical Licensure and  
18           Supervision Act or the Oklahoma Osteopathic Medicine  
19           Act,
- 20           d. a clinical psychologist who is duly licensed to  
21           practice by the State Board of Examiners of  
22           Psychologists,
- 23           e. a professional counselor licensed pursuant to the  
24           Licensed Professional Counselors Act,

- f. a person licensed as a clinical social worker pursuant to the provisions of the Social Worker's Licensing Act,
- g. a licensed marital and family therapist as defined in the Marital and Family Therapist Licensure Act,
- h. a licensed behavioral practitioner as defined in the Licensed Behavioral Practitioner Act,
- i. an advanced practice nurse as defined in the Oklahoma Nursing Practice Act,
- j. a physician's assistant who is licensed in good standing in this state, or
- k. a licensed drug and alcohol counselor/mental health (LADC/MH) as defined in the Licensed Alcohol and Drug Counselors Act;

12. "Mentally incompetent person" means any person who has been adjudicated mentally or legally incompetent by an appropriate district court;

13. a. "Person requiring treatment" means a person who because of his or her mental illness or drug or alcohol dependency meets at least one of the following:

- (1) poses a substantial risk of immediate physical harm to self as manifested by evidence or serious

1 threats of or attempts at suicide or other  
2 significant self-inflicted bodily harm,

3 (2) poses a substantial risk of immediate physical  
4 harm to another person or persons as manifested  
5 by evidence of violent behavior directed toward  
6 another person or persons,

7 (3) has placed another person or persons in a  
8 reasonable fear of violent behavior directed  
9 towards such person or persons or serious  
10 physical harm to them as manifested by serious  
11 and immediate threats,

12 (4) is in a condition of severe deterioration that is  
13 continuing, as has been observed within the  
14 previous seventy-two (72) hour period such that,  
15 without immediate intervention, there exists a  
16 substantial risk that severe impairment or injury  
17 will result to the person, or

18 (5) poses a substantial risk of immediate serious  
19 physical injury to self or death as manifested by  
20 evidence that the person is unable to provide for  
21 and is not providing for his or her basic  
22 physical needs.

23 b. ~~The~~ To the extent it is reasonably available, the  
24 relevant mental health or substance abuse history of

1 the person shall be considered and may be ~~used~~  
2 proffered as part of the evidence to determine whether  
3 the person is a person requiring treatment or an  
4 assisted outpatient. The mental health or substance  
5 abuse history of the person shall not be the sole  
6 basis for this determination.

7 c. Unless a person also meets the criteria established in  
8 subparagraph a or b of this paragraph, "person  
9 requiring treatment" or an "assisted outpatient" shall  
10 not mean:

- 11 (1) a person whose mental processes have been  
12 weakened or impaired by reason of advanced years,  
13 dementia, or Alzheimer's disease,  
14 (2) a person with intellectual or developmental  
15 disability as defined in Title 10 of the Oklahoma  
16 Statutes,  
17 (3) a person with seizure disorder,  
18 (4) a person with a traumatic brain injury, or  
19 (5) a person who is homeless.

20 d. (1) A person who meets the criteria established in  
21 this paragraph but who is medically unstable may  
22 be discharged and transported in accordance with  
23 Section 1-110 of this title. Alternatively, if  
24 the facility holding the person is able to treat

1 the additional medical conditions of that person,  
2 the facility may treat the additional medical  
3 conditions in an effort to medically stabilize  
4 the patient.

5 (2) If the facility holding the person is unable to  
6 treat the additional medical conditions of a  
7 person who meets the criteria established in this  
8 paragraph, the patient shall be discharged and  
9 transported in accordance with Section 1-110 of  
10 this title;

11 (3) All time elapsed during medical stabilization  
12 tolls the twelve (12) hour time for an initial  
13 assessment pursuant to paragraph 1 of subsection  
14 A of section 5-208 of this Title, and the one  
15 hundred twenty (120) hour emergency detention  
16 time pursuant to paragraph 3 of subsection A of  
17 section 5-208 of this Title.

18 14. "Petitioner" means a person who files a petition alleging  
19 that an individual is a person requiring treatment or an assisted  
20 outpatient;

21 15. "Executive director" means the person in charge of a  
22 facility as defined in this section;

23 16. "Private hospital or facility" means any general hospital  
24 maintaining a neuro-psychiatric unit or ward, or any private



1 hospital or facility for care and treatment of a person having a  
2 mental illness, which is not supported by the state or federal  
3 government. The term "private hospital" or "facility" shall not  
4 include nursing homes or other facilities maintained primarily for  
5 the care of elderly and disabled persons;

6 17. "Individualized treatment plan" means a proposal developed  
7 during the stay of an individual in a facility, under the provisions  
8 of this title, which is specifically tailored to the treatment needs  
9 of the individual. Each plan shall clearly include the following:

- 10 a. a statement of treatment goals or objectives, based  
11 upon and related to a clinical evaluation, which can  
12 be reasonably achieved within a designated time  
13 interval,
- 14 b. treatment methods and procedures to be used to obtain  
15 these goals, which methods and procedures are related  
16 to each of these goals and which include specific  
17 prognosis for achieving each of these goals,
- 18 c. identification of the types of professional personnel  
19 who will carry out the treatment procedures including  
20 appropriate medical or other professional involvement  
21 by a physician or other health professional properly  
22 qualified to fulfill legal requirements mandated under  
23 state and federal law,

- d. documentation of involvement by the individual receiving treatment and, if applicable, the accordance of the individual with the treatment plan, and
- e. a statement attesting that the executive director of the facility or clinical director has made a reasonable effort to meet the plan's individualized treatment goals in the least restrictive environment possible closest to the home community of the individual;

18. "Telemedicine" means technology-enabled health and care management and delivery systems that extend capacity and access, which includes:

- a. synchronous mechanisms, which may include live audiovisual interaction between a patient and a health care professional or real-time provider to provider consultation through live interactive audiovisual means,
- b. asynchronous mechanisms, which include store and forward transfers, online exchange of health information between a patient and a health care professional and online exchange of health information between health care professionals, but shall not include the use of automated text messages or automated mobile applications that serve as the sole

1 interaction between a patient and a health care  
2 professional,  
3 c. remote patient monitoring, and  
4 d. other electronic means that support clinical health  
5 care, professional consultation, patient and  
6 professional health-related education, public health  
7 and health administration;

8 19. "Recovery and recovery support" means nonclinical services  
9 that assist individuals and families to recover from alcohol or drug  
10 problems. They include social support, linkage to and coordination  
11 among allied service providers including but not limited to  
12 transportation to and from treatment or employment, employment  
13 services and job training, case management and individual services  
14 coordination, life skills education, relapse prevention, housing  
15 assistance, child care, and substance abuse education;

16 20. "Assisted outpatient" means a person who:

- 17 a. is either currently under the care of a facility  
18 certified by the Department of Mental Health and  
19 Substance Abuse Services as a Community Mental Health  
20 Center, or is being discharged from the custody of the  
21 Oklahoma Department of Corrections, or is being  
22 discharged from a residential placement by the Office  
23 of Juvenile Affairs,  
24 b. is suffering from a mental illness,

- 1 c. is unlikely to survive safely in the community without  
2 supervision, based on a clinical determination,
- 3 d. has a history of lack of compliance with treatment for  
4 mental illness that has:
- 5 (1) prior to the filing of a petition, at least twice  
6 within the last thirty-six (36) months been a  
7 significant factor in necessitating  
8 hospitalization or treatment in a hospital or  
9 residential facility including admission to a  
10 community-based structured crisis center as  
11 certified by the Oklahoma Department of Mental  
12 Health and Substance Abuse Services, or receipt  
13 of services in a forensic or other mental health  
14 unit of a correctional facility, or a specialized  
15 treatment plan for treatment of mental illness in  
16 a secure juvenile facility or placement in a  
17 specialized residential program for juveniles, or
- 18 (2) prior to the filing of the petition, resulted in  
19 one or more acts of serious violent behavior  
20 toward self or others or threats of, or attempts  
21 at, serious physical harm to self or others  
22 within the last twenty-four (24) months,
- 23 e. is, as a result of his or her mental illness, unlikely  
24 to voluntarily participate in outpatient treatment

1           that would enable him or her to live safely in the  
2           community,

- 3           f.    in view of his or her treatment history and current  
4           behavior, is in need of assisted outpatient treatment  
5           in order to prevent a relapse or deterioration which  
6           would be likely to result in serious harm to the  
7           person or persons as defined in this section, and  
8           g.    is likely to benefit from assisted outpatient  
9           treatment;

10        21. "Assisted outpatient treatment" means outpatient services  
11 which have been ordered by the court pursuant to a treatment plan  
12 approved by the court to treat an assisted outpatient's mental  
13 illness and to assist the person in living and functioning in the  
14 community, or to attempt to prevent a relapse or deterioration that  
15 may reasonably be predicted to result in suicide or the need for  
16 hospitalization; and

17        22. "Urgent recovery clinic" means a clinic that offers  
18 voluntary services aimed at the assessment and immediate  
19 stabilization of acute symptoms of mental illness, alcohol and other  
20 drug abuse, and emotional distress. Unless the person receiving  
21 treatment consents to a longer duration or unless the person is  
22 placed into emergency detention under Sections 5-206 through 5-209  
23 of this title, no more than twenty-three (23) hours and fifty-nine  
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1 (59) minutes of services may be provided to a consumer during one  
2 episode of care at an urgent recovery clinic.

3 SECTION 2. This act shall become effective November 1, 2024.

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