

1 ENGROSSED HOUSE
2 BILL NO. 2513

By: Hilbert, West (Kevin), and
Newton of the House

3 and

4 Paxton of the Senate
5
6

7 An Act relating to the Department of Mental Health
8 and Substance Abuse Services; directing the
9 Department designate an individual to address the
10 Department's consent decree; providing qualifications
11 for the designee; establishing the authority of the
12 designee; implementing the responsibilities of the
13 designee; providing for codification; and declaring
14 an emergency.

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

16 SECTION 1. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 2-112 of Title 43A, unless there
18 is created a duplication in numbering, reads as follows:

19 A. The Department of Mental Health and Substance Abuse Services
20 shall designate an individual to specifically implement the
21 requirements of the consent decree resulting from *Briggs et al v.*
22 *Friesen et al*, Case No. 23-CV-00081 (N.D. Okla. Mar. 10, 2025).

23 B. The designee shall have the requisite training, knowledge,
24 and credentials to advise the Department in meeting the requirements

1 of the consent decree. The designee shall have at a minimum the
2 following requirements:

- 3 1. Hold a degree of M.D., D.O., Ph.D., or a Psy.D.;
- 4 2. A specialty certification in Forensic Psychiatry or Forensic
5 Psychology;
- 6 3. A specific knowledge of the Oklahoma criminal justice and
7 competency system; and
- 8 4. Experience performing competency evaluations and competency
9 restoration within the last five (5) years.

10 C. The designee shall:

- 11 1. Have the authority to design and manage the section or
12 division of Forensic Services at the Department;
- 13 2. Report only to the Commissioner of Mental Health and
14 Substance Abuse Services but shall also answer as requested to the
15 Oklahoma Legislature;
- 16 3. Have hiring and firing authority, working in coordination
17 with the Human Resources Office at the Department;
- 18 4. Have ultimate supervisory authority over all current and
19 future forensic staff including treatment providers and evaluators;
- 20 5. Be responsible for all policies, credentialing, training,
21 and education of all forensic evaluators utilized by the Department;
- 22 6. Be responsible for all quality and professional standards
23 regarding forensic evaluations performed by the Department;

1 7. Be responsible for all communication with jails and courts
2 regarding defendants within the forensic system;

3 8. Have responsibility for all forensic-related legislation
4 that derives from the Department and shall work with the staff of
5 the Speaker of the Oklahoma House of Representatives and the
6 President Pro Tempore of the Oklahoma State Senate in designing and
7 pursuing such legislation;

8 9. Work and collaborate with the federally approved monitors
9 assigned by the consent decree in *Briggs et al v. Friesen et al*,
10 Case No. 23-CV-00081 (N.D. Okla. Mar. 10, 2025), and shall be
11 allowed to meet outside of the presence of any other Department
12 employee or contracted legal firm, including the Department's
13 general counsel;

14 10. Have, in accordance with the Health Insurance Portability
15 and Accountability Act (HIPAA), access to all data and systems
16 necessary to carry out the requirements of the consent decree in
17 *Briggs et al v. Friesen et al*, Case No. 23-CV-00081 (N.D. Okla. Mar.
18 10, 2025);

19 11. Have unrestricted access to the Data Support division and
20 information technology (IT) support in order to design and implement
21 dashboards necessary to design a competency continuum in Oklahoma;

22 12. Have control of all legislatively appropriated dollars
23 designated for the consent decree in *Briggs et al v. Friesen et al*,
24 Case No. 23-CV-00081 (N.D. Okla. Mar. 10, 2025); and

13. Prepare a detailed budget and regular reports or audits of funds and deliver to the Oklahoma Legislature on a regular basis and as requested.

SECTION 2. 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 21st day of May, 2025.

Presiding Officer of the House
of Representatives

Passed the Senate the ____ day of _____, 2025.

Presiding Officer of the Senate