

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 HOUSE BILL 4200

By: Schreiber

6 AS INTRODUCED

7 An Act relating to mental health; amending 43A O.S.  
8 2021, Section 1-103, as last amended by Section 3,  
9 Chapter 364, O.S.L. 2025 (43A O.S. Supp. 2025,  
10 Section 1-103), which relates to definitions within  
11 the Mental Health Law; modifying certain definitions;  
12 and providing an effective date.

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

14 SECTION 1. AMENDATORY 43A O.S. 2021, Section 1-103, as

15 last amended by Section 3, Chapter 364, O.S.L. 2025 (43A O.S. Supp.  
16 2025, Section 1-103), is amended to read as follows:

17 Section 1-103. When used in this title, unless otherwise  
18 expressly stated, or unless the context or subject matter otherwise  
19 requires:

20 1. "Department" means the Department of Mental Health and  
21 Substance Abuse Services;

22 2. "Chair" means the chair of the Board of Mental Health and  
23 Substance Abuse Services;

1       3. "Mental illness" means a substantial disorder of thought,  
2 mood, perception, psychological orientation or memory that  
3 significantly impairs judgment, behavior, capacity to recognize  
4 reality or ability to meet the ordinary demands of life;

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

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

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

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

21       8. "Consumer" means a person under care or treatment in a  
22 facility pursuant to the Mental Health Law, or in an outpatient  
23 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,

1                   f. a person licensed as a clinical social worker pursuant  
2                   to the provisions of the Social Worker's Licensing  
3                   Act,

4                   g. a licensed marital and family therapist as defined in  
5                   the Marital and Family Therapist Licensure Act,

6                   h. a licensed behavioral practitioner as defined in the  
7                   Licensed Behavioral Practitioner Act,

8                   i. an advanced practice nurse as defined in the Oklahoma  
9                   Nursing Practice Act,

10                  j. a physician's assistant who is licensed in good  
11                  standing in this state, or

12                  k. a licensed alcohol and drug counselor/mental health  
13                  (LADC/MH) as defined in the Licensed Alcohol and Drug  
14                  Counselors Act;

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

18                  13. a. "Person requiring treatment" means a person who  
19                  because of his or her mental illness or drug or  
20                  alcohol dependency meets at least one of the  
21                  following:  
22                   (1) poses a substantial risk of ~~immediate~~ physical  
23                  harm to self as manifested by evidence or serious

24

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

- (2) poses a substantial risk of ~~immediate~~ physical harm to another person or persons as manifested by evidence of violent behavior directed toward another person or persons,
- (3) has placed another person or persons in a reasonable fear of violent behavior directed towards such person or persons or serious physical harm to them as manifested by serious and ~~immediate~~ threats,
- (4) is in a condition of severe deterioration that is continuing, as has been observed within the previous seventy-two-hour period ~~such that, without immediate intervention, there exists a substantial risk that severe impairment or injury will result to the person, or~~
- (5) poses a substantial risk of ~~immediate~~ serious physical injury harm to self or death as manifested by evidence that the person is unable to provide for and is not providing for his or her basic physical needs.

b. To the extent it is reasonably available, the relevant mental health or substance abuse history of the person

1           shall be considered and may be proffered as part of  
2           the evidence to determine whether the person is a  
3           person requiring treatment or an assisted outpatient.

4           The mental health or substance abuse history of the  
5           person shall not be the sole basis for this  
6           determination.

7           c. In determining whether the person is a person  
8           requiring treatment, the following shall also be  
9           considered along with any other relevant information:

10           (1) the person's history of violence or criminal acts  
11           including unadjudicated criminal acts if evidence  
12           of the person's culpability is evident or  
13           established,

14           (2) the person's history of compliance with mental  
15           and behavioral health medication and treatment,

16           (3) the probability and result of the person's  
17           noncompliance with medication and treatment if  
18           not committed,

19           (4) the ~~consumer's~~ person's history of using weapons  
20           in an illegal or unsafe manner, and

21           (5) any previous instances of harm, attempted harm,  
22           or threatened harm to self or others.

23           d. Unless a person also meets the criteria established in  
24           subparagraph a, b, or c of this paragraph, "person

1                   requiring treatment" or an "assisted outpatient" shall  
2                   not mean:

3                   (1) a person whose mental processes have been  
4                   weakened or impaired by reason of advanced years,  
5                   dementia, or Alzheimer's disease,  
6                   (2) a person who is an individual with intellectual  
7                   disability or developmental disability as defined  
8                   in Section 1408 of Title 10 of the Oklahoma  
9                   Statutes,  
10                   (3) a person with seizure disorder, or  
11                   (4) a person with a traumatic brain injury, or  
12                   (5) a person who is homeless.

13                   e. (1) A person who meets the criteria established in  
14                   this paragraph but who is medically unstable may  
15                   be discharged and transported in accordance with  
16                   Section 1-110 of this title. Alternatively, if  
17                   the facility holding the person is able to treat  
18                   the additional medical conditions of that person,  
19                   the facility may treat the additional medical  
20                   conditions in an effort to medically stabilize  
21                   the patient.  
22                   (2) If the facility holding the person is unable to  
23                   treat the additional medical conditions of a  
24                   person who meets the criteria established in this

paragraph, the patient shall be discharged and transported in accordance with Section 1-110 of this title.

(3) All time elapsed during medical stabilization tolls the twelve-hour time for an initial assessment pursuant to paragraph 1 of subsection A of Section 5-208 of this title, and the one-hundred-twenty-hour emergency detention time pursuant to paragraph 3 of subsection A of Section 5-208 of this title;

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

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

16. "Private hospital or facility" means any general hospital maintaining a neuro-psychiatric unit or ward, or any private hospital or facility for care and treatment of a person having a mental illness, which is not supported by the state or federal government. The term "private hospital" or "facility" shall not include nursing homes or other facilities maintained primarily for the care of elderly and disabled persons;

17. "Individualized treatment plan" means a proposal developed during the stay of an individual in a facility, under the provisions

1 of this title, which is specifically tailored to the treatment needs  
2 of the individual. Each plan shall clearly include the following:

- 3 a. a statement of treatment goals or objectives, based  
4 upon and related to a clinical evaluation, which can  
5 be reasonably achieved within a designated time  
6 interval,
- 7 b. treatment methods and procedures to be used to obtain  
8 these goals, which methods and procedures are related  
9 to each of these goals and which include specific  
10 prognosis for achieving each of these goals,
- 11 c. identification of the types of professional personnel  
12 who will carry out the treatment procedures including  
13 appropriate medical or other professional involvement  
14 by a physician or other health professional properly  
15 qualified to fulfill legal requirements mandated under  
16 state and federal law,
- 17 d. documentation of involvement by the individual  
18 receiving treatment and, if applicable, the accordance  
19 of the individual with the treatment plan, and
- 20 e. a statement attesting that the executive director of  
21 the facility or clinical director has made a  
22 reasonable effort to meet the plan's individualized  
23 treatment goals in the least restrictive environment

1                   possible closest to the home community of the  
2                   individual;

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

- 6       a. synchronous mechanisms, which may include live  
7                   audiovisual interaction between a patient and a health  
8                   care professional or real-time provider to provider  
9                   consultation through live interactive audiovisual  
10                  means,
- 11      b. asynchronous mechanisms, which include store and  
12                  forward transfers, online exchange of health  
13                  information between a patient and a health care  
14                  professional and online exchange of health information  
15                  between health care professionals, but shall not  
16                  include the use of automated text messages or  
17                  automated mobile applications that serve as the sole  
18                  interaction between a patient and a health care  
19                  professional,
- 20      c. remote patient monitoring, and
- 21      d. other electronic means that support clinical health  
22                  care, professional consultation, patient and  
23                  professional health-related education, public health  
24                  and health administration;

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

20. "Assisted outpatient" means a person who:

- a. is either currently under the care of a facility certified by the Department of Mental Health and Substance Abuse Services as a community mental health center, or is being discharged from the custody of the Department of Corrections, or is being discharged from a residential placement by the Office of Juvenile Affairs,

b. is suffering from a mental illness,

- c. is unlikely to survive safely in the community without supervision, based on a clinical determination.

d. has a history of lack of compliance with treatment for mental illness that has:

(1) prior to the filing of a petition, at least twice within the last thirty-six (36) months been a significant factor in necessitating

hospitalization or treatment in a hospital or residential facility including admission to a community-based structured crisis center as certified by the Department of Mental Health and Substance Abuse Services, or receipt of services in a forensic or other mental health unit of a correctional facility, or a specialized treatment plan for treatment of mental illness in a secure juvenile facility or placement in a specialized residential program for juveniles, or

(2) prior to the filing of the petition, resulted in one or more acts of serious violent behavior toward self or others or threats of, or attempts at, serious physical harm to self or others within the last ~~twenty-four~~ (24) thirty-six (36) months,

e. is, as a result of his or her mental illness, unlikely to voluntarily participate in outpatient treatment that would enable him or her to live safely in the community,

f. in view of his or her treatment history and current behavior, is in need of assisted outpatient treatment in order to prevent a relapse or deterioration which

1                   would be likely to result in serious harm to the  
2                   person or persons, and

3                   g.    is likely to benefit from assisted outpatient  
4                   treatment;

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

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

21               SECTION 2. This act shall become effective November 1, 2026.

23               60-2-14716       TJ       12/18/25