

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

HOUSE BILL 3587

By: Harris

AS INTRODUCED

An Act relating to mental health; amending 43A O.S. 2021, Section 5-416, which relates to alternatives to hospitalization; authorizing court-ordered outpatient treatment; decreasing time period for reviewing treatment needs; providing status hearings for reviewing treatment needs; requiring notification to parties; authorizing certain persons to request status hearings; directing district attorneys to present certain treatment plans; providing guidelines for developing treatment plans; affirming rights of persons in court-ordered outpatient treatment; prohibiting courts from ordering outpatient treatment; providing exceptions; allowing certain persons to self-administer psychotropic drugs; prohibiting forced administration of medications; directing facilities to petition the court when changing treatment plans; clarifying certain defined phrase; requiring consideration of health directives when developing treatment plans; and providing an effective date.

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

SECTION 1. AMENDATORY 43A O.S. 2021, Section 5-416, is amended to read as follows:

Section 5-416. A. The court, in considering a commitment petition filed under Section 5-410 of this title, shall not order

1 hospitalization without a thorough consideration of available
2 treatment alternatives to hospitalization, or without addressing the
3 competency of the consumer to consent to or refuse the treatment
4 that is ordered including, but not limited to, the rights of the
5 consumer:

6 1. To be heard concerning the treatment of the consumer; and

7 2. To refuse medications.

8 B. 1. If the court, in considering a commitment petition filed
9 under Section 5-410 of this title, finds that a program other than
10 hospitalization, including an assisted outpatient treatment program
11 or court-ordered outpatient treatment, is adequate to meet the
12 treatment needs of the individual and is sufficient to prevent
13 injury to the individual or to others, the court may order the
14 individual to receive whatever treatment other than hospitalization
15 is appropriate for a period set by the court; provided, the court
16 may only order assisted outpatient treatment if the individual meets
17 the criteria set forth in Section 1-103 of this title and in
18 subsection F of this section. During this time the court:

19 a. shall have continuing jurisdiction over the individual
20 as a person requiring treatment or an assisted
21 outpatient, and

22 b. shall periodically, no less often than ~~annually~~ every
23 ninety (90) days, review the treatment needs of the
24 individual and determine whether or not to continue,

1 discontinue, or modify the treatment. This review may
2 include a status hearing with parties to be notified
3 no later than seventy-two (72) hours before the
4 hearing is scheduled. An individual under a court-
5 ordered outpatient treatment plan or parties listed in
6 Section 5-410 of this title may request a status
7 hearing.

8 2. If at any time it comes to the attention of the court from a
9 person competent to file or request the filing of a petition,
10 pursuant to subsection A of Section 5-410 of this title, that the
11 individual ordered to undergo a program of alternative treatment to
12 hospitalization, such as court-ordered outpatient treatment, is not
13 complying with the order or that the alternative treatment program
14 has not been sufficient to prevent harm or injury which the
15 individual may be inflicting upon himself or herself or others, the
16 court may order the person to show cause why the court should not:

- 17 a. implement other alternatives to hospitalization,
18 modify or rescind the original order or direct the
19 individual to undergo another program of alternative
20 treatment, if necessary and appropriate, based on
21 written findings of the court, or
22 b. enter an order of admission pursuant to the provisions
23 of this title, directing that the person be committed
24 to inpatient treatment and, if the individual refuses

1 to comply with this order of inpatient treatment, the
2 court may direct a peace officer to take the
3 individual into protective custody and transport the
4 person to a public or private facility designated by
5 the court.

6 For the purposes of court-ordered outpatient treatment, the
7 district attorney shall present a treatment plan developed by a
8 community mental health center certified by the Department of Mental
9 Health and Substance Abuse Services pursuant to Section 3-306.1 of
10 this title and operating in the county where the petition has been
11 filed. Such a treatment plan shall be developed in coordination
12 with the person under the outpatient treatment order along with any
13 advocates or legal guardians and the treatment team of the person.
14 Any material changes to the treatment plan shall be approved by the
15 court.

16 3. The court shall give notice to the person ordered to show
17 cause and hold the hearing within seventy-two (72) hours of the
18 notice. The person ordered to undergo a program of alternative
19 treatment shall not be detained in emergency detention pending the
20 show cause hearing unless, prior to the emergency detention, the
21 person has undergone an initial examination and a determination is
22 made that emergency detention is warranted.

23 4. If an order of alternative treatment will expire without
24 further review by the court and it is believed that the individual

1 continues to require treatment, a person competent to file or
2 request the filing of a petition, pursuant to subsection A of
3 Section 5-410 of this title, may file or request the district
4 attorney file either an application for an extension of the court's
5 previous order or an entirely new petition for a determination that
6 the individual is a person requiring treatment, including court-
7 ordered outpatient treatment, or an assisted outpatient.

8 5. A hearing on the application or petition filed pursuant to
9 paragraph 4 of this subsection shall be held within ten (10) days
10 after the application or petition is filed, unless the court extends
11 the time for good cause. In setting the matter for hearing, the
12 court shall consider whether or not the prior orders of the court
13 will expire during the pendency of the hearing and shall make
14 appropriate orders to protect the interests of the individual who is
15 the subject of the hearing.

16 C. Prior to ordering the inpatient treatment of an individual,
17 the court shall inquire into the adequacy of treatment to be
18 provided to the individual by the facility, and inpatient treatment
19 shall not be ordered unless the facility in which the individual is
20 to be treated can provide such person with treatment which is
21 adequate and appropriate to such person's condition.

22 D. Nothing in this section shall prohibit the Department of
23 Mental Health and Substance Abuse Services or the facility or
24 program providing the alternative treatment from discharging a

1 person admitted pursuant to this section, at a time prior to the
2 expiration of the period of alternative treatment, or any extension
3 thereof. The facility or program providing the alternative
4 treatment shall file a report with the court outlining the
5 disposition of each person admitted pursuant to this section within
6 forty-eight (48) hours after discharge.

7 E. Notice of any proceedings pursuant to this section shall be
8 given to the person, the person's guardian, the person's attorney,
9 and the person filing the petition or application. In cases of
10 court-ordered outpatient treatment, the person shall be afforded all
11 the rights enumerated in Section 5-411 of this title.

12 F. If the petition alleges the person to be an assisted
13 outpatient as provided in Section 7 5-410 of this ~~act~~ title, the
14 court shall not order assisted outpatient treatment unless the
15 petitioning licensed mental health professional develops and
16 provides to the court a proposed written treatment plan. All
17 service providers included in the treatment plan shall be notified
18 regarding their inclusion in the written treatment plan. Where
19 deemed advisable, the court may make a finding that a person is an
20 assisted outpatient and delay the treatment order until such time as
21 the treatment plan is provided to the court. Such plan shall be
22 provided to the court no later than the date set by the court
23 pursuant to subsection J of this section.

1 G. The licensed mental health professional who develops the
2 written treatment plan shall provide the following persons with an
3 opportunity to actively participate in the development of such plan:

4 1. The assisted outpatient;

5 2. The treating physician, if any;

6 3. The treatment advocate as defined in Section 1-109.1 of this
7 title, if any; and

8 4. An individual significant to the assisted outpatient,
9 including any relative, close friend or individual otherwise
10 concerned with the welfare of the assisted outpatient, upon the
11 request of the assisted outpatient.

12 H. The licensed mental health professional shall make a
13 reasonable effort to gather relevant information for the development
14 of the treatment plan from a member of the assisted outpatient's
15 family or significant other. If the assisted outpatient has
16 executed an advance directive for mental health treatment, the
17 physician shall consider any directions included in such advance
18 directive for mental health treatment in developing the written
19 treatment plan.

20 I. The court shall not order assisted outpatient treatment or
21 court-ordered outpatient treatment unless the petitioner testifies
22 to explain the proposed written treatment plan; provided, the
23 parties may stipulate upon mutual consent that the petitioner need
24 not testify. The petitioner shall state facts which establish that

1 such treatment is the least restrictive alternative. If the
2 assisted outpatient has executed an advance directive for mental
3 health treatment, the licensed mental health professional shall
4 state the consideration given to any directions included in such
5 advance directive for mental health treatment in developing the
6 written treatment plan. Such testimony shall be given on the date
7 set by the court pursuant to subsection J of this section.

8 J. If the court has yet to be provided with a written treatment
9 plan at the time of the hearing in which the court finds a person to
10 be an assisted outpatient or a person eligible for court-ordered
11 outpatient treatment, the court shall order such treatment plan and
12 testimony no later than the third day, excluding Saturdays, Sundays
13 and holidays, immediately following the date of such hearing and
14 order; provided, the parties may stipulate upon mutual consent that
15 such testimony need not be provided. Upon receiving such plan and
16 any required testimony, the court may order assisted outpatient
17 treatment as provided in this section.

18 K. A court may order the patient to self-administer
19 psychotropic drugs or accept the administration of such drugs by
20 authorized personnel as part of an assisted outpatient treatment or
21 court-ordered outpatient treatment program. Such order may specify
22 the type and dosage range of such psychotropic drugs and such order
23 shall be effective for the duration of such assisted outpatient
24 treatment or court-ordered outpatient treatment. For the purposes

1 of court-ordered outpatient treatment, forcible administration of
2 medication shall not be permitted.

3 L. A copy of any court order for assisted outpatient treatment
4 shall be served personally, or by mail, facsimile or electronic
5 means, upon the assisted outpatient, the assisted outpatient
6 treatment program and all others entitled to notice under the
7 provisions of subsection D of Section 5-412 of this title.

8 M. The initial order for assisted outpatient treatment shall be
9 for a period of one (1) year. Within thirty (30) days prior to the
10 expiration of the order, a licensed mental health professional
11 employed by the Department of Mental Health and Substance Abuse
12 Services or employed by a community mental health center certified
13 by the Department pursuant to Section 3-306.1 of this title may file
14 a petition to extend the order of outpatient treatment. Notice
15 shall be given in accordance with Section 5-412 of this title. The
16 court shall hear the petition, review the treatment plan and
17 determine if the assisted outpatient continues to meet the criteria
18 for assisted outpatient treatment and such treatment is the least
19 restrictive alternative. If the court finds the assisted outpatient
20 treatment should continue, it will make such an order extending the
21 assisted treatment an additional year and order the treatment plan
22 updated as necessary. Subsequent extensions of the order may be
23 obtained in the same manner. If the court's disposition of the
24 motion does not occur prior to the expiration date of the current

1 order, the current order shall remain in effect for up to thirty
2 (30) additional days until such disposition.

3 N. In addition to any other right or remedy available by law
4 with respect to the order for assisted outpatient treatment, the
5 assisted outpatient or anyone acting on the assisted outpatient's
6 behalf may petition the court on notice to every facility providing
7 treatment pursuant to the assisted outpatient treatment order to
8 stay, vacate or modify the order.

9 O. Facilities providing treatment pursuant to the assisted
10 outpatient treatment order or court-ordered outpatient treatment
11 order shall petition the court for approval before instituting a
12 proposed material change in the assisted outpatient treatment plan
13 or court-ordered outpatient treatment order, unless such change is
14 authorized by the order of the court. Such petition shall be filed
15 on notice to the assisted outpatient or court-ordered person, any
16 treatment advocate designated by the assisted outpatient or court-
17 ordered person pursuant to this title, any attorney representing the
18 assisted outpatient or court-ordered person, and any guardian
19 appointed by the court to represent the assisted outpatient or
20 court-ordered person. Not later than five (5) days after receiving
21 such petition, excluding Saturdays, Sundays and holidays, the court
22 shall hold a hearing on the petition; provided, that if the assisted
23 outpatient or court-ordered person informs the court that he or she
24 agrees to the proposed material change, the court may approve such

1 change without a hearing. Nonmaterial changes may be instituted to
2 the assisted outpatient treatment plan or court-ordered outpatient
3 treatment plan without court approval. For the purposes of this
4 subsection, a material change is an addition or deletion of a
5 category of services to or from a current assisted outpatient
6 treatment plan or any deviation, without the consent of the assisted
7 ~~outpatient's~~ outpatient or consent of the court-ordered person, from
8 the terms of a current order relating to the administration of
9 psychotropic drugs.

10 P. Where, in the clinical judgment of a licensed mental health
11 professional:

12 1. The assisted outpatient has failed or refused to comply with
13 the assisted outpatient treatment;

14 2. Efforts were made to solicit compliance; and

15 3. Such assisted outpatient appears to be a person requiring
16 treatment,

17 the licensed mental health professional may cause the assisted
18 outpatient to be taken into protective custody pursuant to the
19 provisions of Sections 5-206 through 5-209 of this title or may
20 refer or initiate proceedings pursuant to Sections 5-410 through 5-
21 415 of this title for involuntary commitment to a hospital, or may
22 return the assisted outpatient to a facility providing treatment
23 pursuant to the assisted outpatient treatment plan to determine if
24 the assisted outpatient will comply with the treatment plan.

1 Failure or refusal to comply with assisted outpatient treatment
2 shall include, but not be limited to, a substantial failure to take
3 medication, to submit to blood testing or urinalysis where such is
4 part of the treatment plan, failure of such tests or failure to
5 receive treatment for alcohol or substance abuse if such is part of
6 the treatment plan.

7 Q. Failure to comply with an order of assisted outpatient
8 treatment or court-ordered outpatient treatment shall not be grounds
9 for involuntary civil commitment or a finding of contempt of court.

10 R. For the purposes of court-ordered outpatient treatment, the
11 mental health advanced directive or other applicable health
12 directive of the person shall be considered when developing a
13 treatment plan.

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

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