

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3587

By: Harris

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6 AS INTRODUCED

7 An Act relating to mental health; amending 43A O.S.  
8 2021, Section 5-416, which relates to alternatives to  
9 hospitalization; authorizing court-ordered outpatient  
10 treatment; decreasing time period for reviewing  
11 treatment needs; providing status hearings for  
12 reviewing treatment needs; requiring notification to  
13 parties; authorizing certain persons to request  
14 status hearings; directing district attorneys to  
15 present certain treatment plans; providing guidelines  
16 for developing treatment plans; affirming rights of  
17 persons in court-ordered outpatient treatment;  
18 prohibiting courts from ordering outpatient  
19 treatment; providing exceptions; allowing certain  
20 persons to self-administer psychotropic drugs;  
21 prohibiting forced administration of medications;  
22 directing facilities to petition the court when  
23 changing treatment plans; clarifying certain defined  
24 phrase; requiring consideration of heath directives  
when developing treatment plans; and providing an  
effective date.

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

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

23 Section 5-416. A. The court, in considering a commitment  
24 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.

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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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