

1 ENGROSSED SENATE
2 BILL NO. 701

By: Griffin of the Senate

3 and

4 Denney of the House

5 An Act relating to mental health; amending 43A O.S.
6 2011, Section 1-103, as last amended by Section 1,
7 Chapter 213, O.S.L. 2013 (43A O.S. Supp. 2014,
8 Section 1-103), which relates to definitions;
9 removing certain specialization criteria for certain
10 persons; and providing an effective date.

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

11 SECTION 1. AMENDATORY 43A O.S. 2011, Section 1-103, as
12 last amended by Section 1, Chapter 213, O.S.L. 2013 (43A O.S. Supp.
13 2014, Section 1-103), is amended to read as follows:

14 Section 1-103. When used in this title, unless otherwise
15 expressly stated, or unless the context or subject matter otherwise
16 requires:

17 1. "Department" means the Department of Mental Health and
18 Substance Abuse Services;

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

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

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

3 5. "Commissioner" means the individual selected and appointed
4 by the Board to serve as Commissioner of Mental Health and Substance
5 Abuse Services;

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

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

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

21 9. "Care and treatment" means medical care and behavioral
22 health services, as well as food, clothing, and maintenance,
23 furnished to a person;

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

8 11. "Licensed mental health professional" means:

- 9 a. a psychiatrist who is a diplomate of the American
10 Board of Psychiatry and Neurology,
- 11 b. a physician licensed pursuant to the Oklahoma
12 Allopathic Medical and Surgical Licensure and
13 Supervision Act or the Oklahoma Osteopathic Medicine
14 Act,
- 15 c. a clinical psychologist who is duly licensed to
16 practice by the State Board of Examiners of
17 Psychologists,
- 18 d. a professional counselor licensed pursuant to the
19 Licensed Professional Counselors Act,
- 20 e. a person licensed as a clinical social worker pursuant
21 to the provisions of the Social Worker's Licensing
22 Act,
- 23 f. a licensed marital and family therapist as defined in
24 the Marital and Family Therapist Licensure Act,

- 1 g. a licensed behavioral practitioner as defined in the
2 Licensed Behavioral Practitioner Act,
3 h. an advanced practice nurse as defined in the Oklahoma
4 Nursing Practice Act ~~specializing in mental health,~~
5 i. a physician's assistant who is licensed in good
6 standing in this state ~~and has received specific~~
7 ~~training for and is experienced in performing mental~~
8 ~~health therapeutic, diagnostic, or counseling~~
9 ~~functions, or~~
10 j. a licensed drug and alcohol counselor/mental health
11 ("LADC/MH") as defined in the Licensed Alcohol and
12 Drug Counselors Act;

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

16 13. a. "Person requiring treatment" means a person who
17 because of his or her mental illness or drug or
18 alcohol dependency:

- 19 (1) poses a substantial risk of immediate physical
20 harm to self as manifested by evidence or serious
21 threats of or attempts at suicide or other
22 significant self-inflicted bodily harm,
23 (2) poses a substantial risk of immediate physical
24 harm to another person or persons as manifested

1 by evidence of violent behavior directed toward
2 another person or persons,

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

8 (4) is in a condition of severe deterioration such
9 that, without immediate intervention, there
10 exists a substantial risk that severe impairment
11 or injury will result to the person, or

12 (5) poses a substantial risk of immediate serious
13 physical injury to self or death as manifested by
14 evidence that the person is unable to provide for
15 and is not providing for his or her basic
16 physical needs.

17 b. The mental health or substance abuse history of the
18 person may be used as part of the evidence to
19 determine whether the person is a person requiring
20 treatment. The mental health or substance abuse
21 history of the person shall not be the sole basis for
22 this determination.

1 c. Unless a person also meets the criteria established in
2 subparagraph a of this paragraph, person requiring
3 treatment shall not mean:

4 (1) a person whose mental processes have been
5 weakened or impaired by reason of advanced years,
6 dementia, or Alzheimer's disease,

7 (2) a mentally retarded or developmentally disabled
8 person as defined in Title 10 of the Oklahoma
9 Statutes,

10 (3) a person with seizure disorder,

11 (4) a person with a traumatic brain injury, or

12 (5) a person who is homeless.

13 d. A person who meets the criteria established in this
14 section, but who is medically unstable, or the
15 facility holding the person is unable to treat the
16 additional medical conditions of that person should be
17 discharged and transported in accordance with Section
18 1-110 of this title;

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

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,

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

10 18. "Telemedicine" means the practice of health care delivery,
11 diagnosis, consultation, evaluation, treatment, transfer of medical
12 data, or exchange of medical education information by means of
13 audio, video, or data communications. Telemedicine uses audio and
14 video multimedia telecommunication equipment which permits two-way
15 real-time communication between a health care practitioner and a
16 patient who are not in the same physical location. Telemedicine
17 shall not include consultation provided by telephone or facsimile
18 machine; and

19 19. "Recovery and recovery support" means nonclinical services
20 that assist individuals and families to recover from alcohol or drug
21 problems. They include social support, linkage to and coordination
22 among allied service providers, including but not limited to
23 transportation to and from treatment or employment, employment
24 services and job training, case management and individual services

1 coordination, life skills education, relapse prevention, housing
2 assistance, child care, and substance abuse education.

3 SECTION 2. This act shall become effective November 1, 2015.

4 Passed the Senate the 3rd day of March, 2015.

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Presiding Officer of the Senate

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8 Passed the House of Representatives the ____ day of _____,

9 2015.

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Presiding Officer of the House
of Representatives

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