

1 **SENATE FLOOR VERSION**

2 February 23, 2015

3 SENATE BILL NO. 701

By: Griffin

4  
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.

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

12 SECTION 1. AMENDATORY 43A O.S. 2011, Section 1-103, as  
13 last amended by Section 1, Chapter 213, O.S.L. 2013 (43A O.S. Supp.  
14 2014, Section 1-103), is amended to read as follows:

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

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

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

22 3. "Mental illness" means a substantial disorder of thought,  
23 mood, perception, psychological orientation or memory that  
24 significantly impairs judgment, behavior, capacity to recognize  
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 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES  
5 February 23, 2015 - DO PASS  
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