



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  
6 Abuse Services" as established by the Mental Health Law;

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

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

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

22 8. "Consumer" means a person under care or treatment in a  
23 facility pursuant to the Mental Health Law, or in an outpatient  
24 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 physician licensed pursuant to the Oklahoma  
15 Allopathic Medical and Surgical Licensure and  
16 Supervision Act or the Oklahoma Osteopathic Medicine  
17 Act,  
18 c. a clinical psychologist who is duly licensed to  
19 practice by the State Board of Examiners of  
20 Psychologists,  
21 d. a professional counselor licensed pursuant to the  
22 Licensed Professional Counselors Act,

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- 1 e. a person licensed as a clinical social worker pursuant  
2 to the provisions of the Social Worker's Licensing  
3 Act,  
4 f. a licensed marital and family therapist as defined in  
5 the Marital and Family Therapist Licensure Act,  
6 g. a licensed behavioral practitioner as defined in the  
7 Licensed Behavioral Practitioner Act,  
8 h. an advanced practice nurse as defined in the Oklahoma  
9 Nursing Practice Act ~~specializing in mental health,~~  
10 i. a physician's assistant who is licensed in good  
11 standing in this state ~~and has received specific~~  
12 ~~training for and is experienced in performing mental~~  
13 ~~health therapeutic, diagnostic, or counseling~~  
14 ~~functions, or~~  
15 j. a licensed drug and alcohol counselor/mental health  
16 ("LADC/MH") as defined in the Licensed Alcohol and  
17 Drug Counselors Act;

18 12. "Mentally incompetent person" means any person who has been  
19 adjudicated mentally or legally incompetent by an appropriate  
20 district court;

21 13. a. "Person requiring treatment" means a person who  
22 because of his or her mental illness or drug or  
23 alcohol dependency:  
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- 1 (1) poses a substantial risk of immediate physical  
2 harm to self as manifested by evidence or serious  
3 threats of or attempts at suicide or other  
4 significant self-inflicted bodily harm,  
5 (2) poses a substantial risk of immediate physical  
6 harm to another person or persons as manifested  
7 by evidence of violent behavior directed toward  
8 another person or persons,  
9 (3) has placed another person or persons in a  
10 reasonable fear of violent behavior directed  
11 towards such person or persons or serious  
12 physical harm to them as manifested by serious  
13 and immediate threats,  
14 (4) is in a condition of severe deterioration such  
15 that, without immediate intervention, there  
16 exists a substantial risk that severe impairment  
17 or injury will result to the person, or  
18 (5) poses a substantial risk of immediate serious  
19 physical injury to self or death as manifested by  
20 evidence that the person is unable to provide for  
21 and is not providing for his or her basic  
22 physical needs.

23 b. The mental health or substance abuse history of the  
24 person may be used as part of the evidence to

1 determine whether the person is a person requiring  
2 treatment. The mental health or substance abuse  
3 history of the person shall not be the sole basis for  
4 this determination.

5 c. Unless a person also meets the criteria established in  
6 subparagraph a of this paragraph, person requiring  
7 treatment shall not mean:

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

11 (2) a mentally retarded or developmentally disabled  
12 person as defined in Title 10 of the Oklahoma  
13 Statutes,

14 (3) a person with seizure disorder,

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

16 (5) a person who is homeless.

17 d. A person who meets the criteria established in this  
18 section, but who is medically unstable, or the  
19 facility holding the person is unable to treat the  
20 additional medical conditions of that person should be  
21 discharged and transported in accordance with Section  
22 1-110 of this title;

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

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

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

10 17. "Individualized treatment plan" means a proposal developed  
11 during the stay of an individual in a facility, under the provisions  
12 of this title, which is specifically tailored to the treatment needs  
13 of the individual. Each plan shall clearly include the following:

14 a. a statement of treatment goals or objectives, based  
15 upon and related to a clinical evaluation, which can  
16 be reasonably achieved within a designated time  
17 interval,

18 b. treatment methods and procedures to be used to obtain  
19 these goals, which methods and procedures are related  
20 to each of these goals and which include specific  
21 prognosis for achieving each of these goals,

22 c. identification of the types of professional personnel  
23 who will carry out the treatment procedures, including  
24 appropriate medical or other professional involvement

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

1 by a physician or other health professional properly  
2 qualified to fulfill legal requirements mandated under  
3 state and federal law,

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

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

22 19. "Recovery and recovery support" means nonclinical services  
23 that assist individuals and families to recover from alcohol or drug  
24 problems. They include social support, linkage to and coordination



1 among allied service providers, including but not limited to  
2 transportation to and from treatment or employment, employment  
3 services and job training, case management and individual services  
4 coordination, life skills education, relapse prevention, housing  
5 assistance, child care, and substance abuse education.

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

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8 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated  
9 03/26/2015 - DO PASS.

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