

1 **SENATE FLOOR VERSION**

2 February 10, 2025

3 SENATE BILL NO. 740

By: Daniels

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5
6 An Act relating to mental health; amending 43A O.S.
7 2021, Section 1-103, as last amended by Section 1,
8 Chapter 96, O.S.L. 2024 (43A O.S. Supp. 2024, Section
9 1-103), which relates to definitions; modifying
10 certain definitions; and providing an effective date.

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

12 SECTION 1. AMENDATORY 43A O.S. 2021, Section 1-103, as
13 last amended by Section 1, Chapter 96, O.S.L. 2024 (43A O.S. Supp.
14 2024, 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
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1 significantly impairs judgment, behavior, capacity to recognize
2 reality or ability to meet the ordinary demands of life;

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

5 5. "Commissioner" means the Commissioner of Mental Health and
6 Substance Abuse Services;

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

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

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

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

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

- 1 g. a licensed marital and family therapist as defined in
2 the Marital and Family Therapist Licensure Act,
3 h. a licensed behavioral practitioner as defined in the
4 Licensed Behavioral Practitioner Act,
5 i. an advanced practice nurse as defined in the Oklahoma
6 Nursing Practice Act,
7 j. a physician's assistant who is licensed in good
8 standing in this state, or
9 k. a licensed alcohol and drug counselor/mental health
10 (LADC/MH) as defined in the Licensed Alcohol and Drug
11 Counselors Act;

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

15 13. a. "Person requiring treatment" means a person who
16 because of his or her mental illness or drug or
17 alcohol dependency meets at least one of the
18 following:

- 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 that is
9 continuing, as has been observed within the
10 previous seventy-two (72) hour period ~~such that,~~
11 ~~without immediate intervention, there exists a~~
12 ~~substantial risk that severe impairment or injury~~
13 ~~will result to the person, or~~

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

19 b. To the extent it is reasonably available, the relevant
20 mental health or substance abuse history of the person
21 shall be considered and may be proffered as part of
22 the evidence to determine whether the person is a
23 person requiring treatment or an assisted outpatient.
24 The mental health or substance abuse history of the

1 person shall not be the sole basis for this
2 determination.

3 c. Unless a person also meets the criteria established in
4 subparagraph a or b of this paragraph, "person
5 requiring treatment" or an "assisted outpatient" shall
6 not mean:

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

10 (2) a person with intellectual or developmental
11 disability as defined in Title 10 of the Oklahoma
12 Statutes,

13 (3) a person with seizure disorder, or

14 (4) a person with a traumatic brain injury, ~~or~~

15 ~~(5) a person who is homeless.~~

16 d. (1) A person who meets the criteria established in
17 this paragraph but who is medically unstable may
18 be discharged and transported in accordance with
19 Section 1-110 of this title. Alternatively, if
20 the facility holding the person is able to treat
21 the additional medical conditions of that person,
22 the facility may treat the additional medical
23 conditions in an effort to medically stabilize
24 the patient.

1 (2) If the facility holding the person is unable to
2 treat the additional medical conditions of a
3 person who meets the criteria established in this
4 paragraph, the patient shall be discharged and
5 transported in accordance with Section 1-110 of
6 this title.

7 (3) All time elapsed during medical stabilization
8 tolls the twelve (12) hour time for an initial
9 assessment pursuant to paragraph 1 of subsection
10 A of Section 5-208 of this title, and the one-
11 hundred-twenty-hour emergency detention time
12 pursuant to paragraph 3 of subsection A of
13 Section 5-208 of this title;

14 14. "Petitioner" means a person who files a petition alleging
15 that an individual is a person requiring treatment or an assisted
16 outpatient;

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

19 16. "Private hospital or facility" means any general hospital
20 maintaining a neuro-psychiatric unit or ward, or any private
21 hospital or facility for care and treatment of a person having a
22 mental illness, which is not supported by the state or federal
23 government. The term "private hospital" or "facility" shall not
24

1 include nursing homes or other facilities maintained primarily for
2 the care of elderly and disabled persons;

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

7 a. a statement of treatment goals or objectives, based
8 upon and related to a clinical evaluation, which can
9 be reasonably achieved within a designated time
10 interval,

11 b. treatment methods and procedures to be used to obtain
12 these goals, which methods and procedures are related
13 to each of these goals and which include specific
14 prognosis for achieving each of these goals,

15 c. identification of the types of professional personnel
16 who will carry out the treatment procedures including
17 appropriate medical or other professional involvement
18 by a physician or other health professional properly
19 qualified to fulfill legal requirements mandated under
20 state and federal law,

21 d. documentation of involvement by the individual
22 receiving treatment and, if applicable, the accordence
23 of the individual with the treatment plan, and
24

1 e. a statement attesting that the executive director of
2 the facility or clinical director has made a
3 reasonable effort to meet the plan's individualized
4 treatment goals in the least restrictive environment
5 possible closest to the home community of the
6 individual;

7 18. "Telemedicine" means technology-enabled health and care
8 management and delivery systems that extend capacity and access,
9 which includes:

10 a. synchronous mechanisms, which may include live
11 audiovisual interaction between a patient and a health
12 care professional or real-time provider to provider
13 consultation through live interactive audiovisual
14 means,

15 b. asynchronous mechanisms, which include store and
16 forward transfers, online exchange of health
17 information between a patient and a health care
18 professional and online exchange of health information
19 between health care professionals, but shall not
20 include the use of automated text messages or
21 automated mobile applications that serve as the sole
22 interaction between a patient and a health care
23 professional,

24 c. remote patient monitoring, and

1 d. other electronic means that support clinical health
2 care, professional consultation, patient and
3 professional health-related education, public health
4 and health administration;

5 19. "Recovery and recovery support" means nonclinical services
6 that assist individuals and families to recover from alcohol or drug
7 problems. They include social support, linkage to and coordination
8 among allied service providers including but not limited to
9 transportation to and from treatment or employment, employment
10 services and job training, case management and individual services
11 coordination, life skills education, relapse prevention, housing
12 assistance, child care, and substance abuse education;

13 20. "Assisted outpatient" means a person who:

- 14 a. is either currently under the care of a facility
15 certified by the Department of Mental Health and
16 Substance Abuse Services as a Community Mental Health
17 Center, or is being discharged from the custody of the
18 Oklahoma Department of Corrections, or is being
19 discharged from a residential placement by the Office
20 of Juvenile Affairs,
21 b. is suffering from a mental illness,
22 c. is unlikely to survive safely in the community without
23 supervision, based on a clinical determination,
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1 d. has a history of lack of compliance with treatment for
2 mental illness that has:

- 3 (1) prior to the filing of a petition, at least twice
4 within the last thirty-six (36) months been a
5 significant factor in necessitating
6 hospitalization or treatment in a hospital or
7 residential facility including admission to a
8 community-based structured crisis center as
9 certified by the Oklahoma Department of Mental
10 Health and Substance Abuse Services, or receipt
11 of services in a forensic or other mental health
12 unit of a correctional facility, or a specialized
13 treatment plan for treatment of mental illness in
14 a secure juvenile facility or placement in a
15 specialized residential program for juveniles, or
16 (2) prior to the filing of the petition, resulted in
17 one or more acts of serious violent behavior
18 toward self or others or threats of, or attempts
19 at, serious physical harm to self or others
20 within the last ~~twenty-four (24)~~ thirty-six (36)
21 months,

22 e. is, as a result of his or her mental illness, unlikely
23 to voluntarily participate in outpatient treatment
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1 that would enable him or her to live safely in the
2 community,

- 3 f. in view of his or her treatment history and current
4 behavior, is in need of assisted outpatient treatment
5 in order to prevent a relapse or deterioration which
6 would be likely to result in serious harm to the
7 person or persons as defined in this section, and
8 g. is likely to benefit from assisted outpatient
9 treatment;

10 21. "Assisted outpatient treatment" means outpatient services
11 which have been ordered by the court pursuant to a treatment plan
12 approved by the court to treat an assisted outpatient's mental
13 illness and to assist the person in living and functioning in the
14 community, or to attempt to prevent a relapse or deterioration that
15 may reasonably be predicted to result in suicide or the need for
16 hospitalization; and

17 22. "Urgent recovery clinic" means a clinic that offers
18 voluntary services aimed at the assessment and immediate
19 stabilization of acute symptoms of mental illness, alcohol and other
20 drug abuse, and emotional distress. Unless the person receiving
21 treatment consents to a longer duration or unless the person is
22 placed into emergency detention under Sections 5-206 through 5-209
23 of this title, no more than twenty-three (23) hours and fifty-nine
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1 (59) minutes of services may be provided to a consumer during one
2 episode of care at an urgent recovery clinic.

3 SECTION 2. This act shall become effective November 1, 2025.

4 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
5 February 10, 2025 - DO PASS
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