

1 **SENATE FLOOR VERSION**

2 March 7, 2019

3 ENGROSSED HOUSE  
4 BILL NO. 2483

5 By: McCall, Lawson, Boles,  
6 Mize, West (Josh), Osburn,  
7 Frix, Fetgatter, West  
8 (Tammy), Olsen, Vancuren,  
9 McEntire, Kiger, Crosswhite  
10 Hader, Phillips, Manger,  
11 Steagall, Smith, Burns,  
12 Strom, Davis, Hasenbeck,  
13 Cornwell, Sterling, Dills,  
14 Moore, Miller, Marti,  
15 Fincher, Pae, May, McBride,  
16 Bush, West (Kevin), Talley,  
17 Sims, Stark, Conley, Lepak,  
18 Taylor, Grego, Hardin  
19 (David), Boatman,  
20 Patzkowsky, Luttrell, Gann,  
21 Echols, Kerbs, Hill,  
22 McDugle, Johns, Kannady,  
23 Wallace, Baker, Roberts  
24 (Sean), Townley, Wright and  
Ford of the House

and

Treat of the Senate

19 An Act relating to the Department of Mental Health  
20 and Substance Abuse Services; amending 43A O.S. 2011,  
21 Sections 2-101 and 2-103, as amended by Section 1,  
22 Chapter 280, O.S.L. 2017 (43A O.S. Supp. 2018,  
23 Section 2-103), which relate to the Board of Mental  
24 Health and Substance Abuse Services; authorizing  
Governor to appoint Commissioner; providing for  
determination of compensation; modifying appointment  
of members of the Board; authorizing the Legislature  
to remove the Commissioner from office; specifying

1 vote required for removal; and declaring an  
2 emergency.

3  
4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

5 SECTION 1. AMENDATORY 43A O.S. 2011, Section 2-101, is  
6 amended to read as follows:

7 Section 2-101. A. 1. There is hereby established in this  
8 state a Department of Mental Health and Substance Abuse Services.

9 2. This Department's governing board shall be the Board of  
10 Mental Health and Substance Abuse Services, and its chief executive  
11 officer shall be the Commissioner of Mental Health and Substance  
12 Abuse Services. The Commissioner shall be appointed by the Governor  
13 with the advice and consent of the Senate and shall serve at the  
14 pleasure of the Governor and may be removed or replaced without  
15 cause. Compensation for the Commissioner shall be determined by the  
16 Governor. The Commissioner may be removed from office by a two-  
17 thirds (2/3) vote of the members elected to and constituting each  
18 chamber of the Legislature.

19 3. The Department of Mental Health and Substance Abuse Services  
20 shall exercise all functions of the state in relation to the  
21 administration and operation of all state facilities for the care  
22 and treatment of the mentally ill and drug- or alcohol-dependent  
23 persons.

1 B. All references in the Oklahoma Statutes to the Department of  
2 Mental Health or the Board of Mental Health shall be construed to  
3 refer to the Department of Mental Health and Substance Abuse  
4 Services or the Board of Mental Health and Substance Abuse Services,  
5 respectively.

6 SECTION 2. AMENDATORY 43A O.S. 2011, Section 2-103, as  
7 amended by Section 1, Chapter 280, O.S.L. 2017 (43A O.S. Supp. 2018,  
8 Section 2-103), is amended to read as follows:

9 Section 2-103. A. The Board of Mental Health and Substance  
10 Abuse Services shall be composed of ~~eleven (11) members, appointed~~  
11 ~~by the Governor, with the advice and consent of the Senate. Each~~  
12 ~~term is for a seven-year period and members may be reappointed to~~  
13 ~~subsequent terms. Board members shall meet the following criteria:~~

14 ~~1. One member, who shall be an allopathic physician licensed to~~  
15 ~~practice in this state and appointed from a list containing the~~  
16 ~~names of not less than two allopathic physicians and not less than~~  
17 ~~two psychiatrists submitted to the Governor by the Oklahoma State~~  
18 ~~Medical Association;~~

19 ~~2. One member shall be an osteopathic physician licensed to~~  
20 ~~practice in this state, appointed from a list containing the names~~  
21 ~~of not less than two osteopathic physicians and not less than two~~  
22 ~~psychiatrists submitted to the Governor by the Oklahoma Osteopathic~~  
23 ~~Association;~~

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1       ~~3. One member, who shall be an attorney licensed to practice in~~  
2 ~~this state and shall be appointed from a list of not less than three~~  
3 ~~names submitted to the Governor by the Board of Governors of the~~  
4 ~~Oklahoma Bar Association;~~

5       ~~4. One member, who shall be a psychologist, licensed to~~  
6 ~~practice in this state, who shall be appointed from a list of not~~  
7 ~~less than three names submitted to the Governor by the Oklahoma~~  
8 ~~State Psychological Association;~~

9       ~~5. Three members, qualified by education and experience in the~~  
10 ~~area of substance abuse recovery, who shall be appointed from a list~~  
11 ~~of not less than ten names submitted to the Governor by a state~~  
12 ~~association of substance abuse recovery programs or organizations;~~  
13 ~~and~~

14       ~~6. Four members who shall be citizens of this state, at least~~  
15 ~~one of whom shall be either a current or former consumer of mental~~  
16 ~~health services.~~

17       ~~B. At least one physician appointed pursuant to paragraph 1 or~~  
18 ~~paragraph 2 of subsection A of this section shall be a psychiatrist~~  
19 ~~certified as a diplomate of the American Board of Psychiatry and~~  
20 ~~Neurology, or as a diplomate of the American Osteopathic Board of~~  
21 ~~Neurology and Psychiatry.~~

22       ~~C. No person shall be appointed a member of the Board who has~~  
23 ~~been a member of the Legislature of this state within the preceding~~  
24 ~~five (5) years the following nine (9) members:~~

1 1. Five members appointed by the Governor;

2 2. Two members appointed by the Speaker of the House of

3 Representatives; and

4 3. Two members appointed by the President Pro Tempore of the

5 Senate.

6 B. 1. Each member shall serve at the pleasure of his or her  
7 appointing authority and may be removed or replaced without cause.

8 2. Any member of the Board shall be prohibited from voting on  
9 any issue in which the member has a direct financial interest.

10 3. The Commissioner of Mental Health and Substance Abuse  
11 Services shall be an ex officio member of the Board, but shall be  
12 entitled to vote only in case of a tie vote.

13 ~~D.~~ C. The Board shall elect from among its members a chair and  
14 a vice-chair. The chair may call meetings at any time.

15 ~~E.~~ D. All regularly scheduled meetings of the Board shall be  
16 held at the Central Office of the Department of Mental Health and  
17 Substance Abuse Services, Oklahoma City, Oklahoma, unless otherwise  
18 scheduled. Six members shall constitute a quorum at any meeting,  
19 and all action may be taken by an affirmative vote of the majority  
20 of the members present at any such meeting.

21 ~~F.~~ E. The action taken by the Board on any matter, or any  
22 document passed by the Board, shall be considered official when such  
23 action is placed in writing and signed by the chair or vice-chair.

1       ~~G.~~ F. The duties of the Board shall pertain to the care,  
2 treatment, and hospitalization of persons with mental illness, or  
3 alcohol- or drug-dependent persons.

4       ~~H.~~ G. Members of the Board of Mental Health and Substance Abuse  
5 Services shall be allowed their necessary travel expenses pursuant  
6 to the provisions of the State Travel Reimbursement Act.

7       ~~I.~~ H. Members of the Board of Mental Health and Substance Abuse  
8 Services shall be allowed to serve on the State Board of Medical  
9 Licensure and Supervision and the State Board of Osteopathic  
10 Examiners during members' terms on the Board of Mental Health and  
11 Substance Abuse Services.

12       SECTION 3. It being immediately necessary for the preservation  
13 of the public peace, health or safety, an emergency is hereby  
14 declared to exist, by reason whereof this act shall take effect and  
15 be in full force from and after its passage and approval.

16 COMMITTEE REPORT BY: COMMITTEE ON RULES  
17 March 7, 2019 - DO PASS  
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