

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 HOUSE BILL 2483

By: McCall

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5
6 AS INTRODUCED

7 An Act relating to the Department of Mental Health
8 and Substance Abuse Services; amending 43A O.S. 2011,
9 Sections 2-101 and 2-103, as amended by Section 1,
10 Chapter 280, O.S.L. 2017 (43A O.S. Supp. 2018,
11 Section 2-103), which relate to the Board of Mental
12 Health and Substance Abuse Services; authorizing
13 Governor to appoint Commissioner; providing for
14 determination of compensation; modifying appointment
15 of members of the Board; and declaring an emergency.

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

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

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

21 2. This Department's governing board shall be the Board of
22 Mental Health and Substance Abuse Services, and its chief executive
23 officer shall be the Commissioner of Mental Health and Substance
24 Abuse Services. The Commissioner shall be appointed by the Governor
and shall serve at the pleasure of the Governor and may be removed
or replaced without cause. Compensation for the Commissioner shall

1 be determined pursuant to Section 3601.2 of Title 74 of the Oklahoma
2 Statutes.

3 3. The Department of Mental Health and Substance Abuse Services
4 shall exercise all functions of the state in relation to the
5 administration and operation of all state facilities for the care
6 and treatment of the mentally ill and drug- or alcohol-dependent
7 persons.

8 B. All references in the Oklahoma Statutes to the Department of
9 Mental Health or the Board of Mental Health shall be construed to
10 refer to the Department of Mental Health and Substance Abuse
11 Services or the Board of Mental Health and Substance Abuse Services,
12 respectively.

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

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

21 ~~1. One member, who shall be an allopathic physician licensed to~~
22 ~~practice in this state and appointed from a list containing the~~
23 ~~names of not less than two allopathic physicians and not less than~~
24

1 ~~two psychiatrists submitted to the Governor by the Oklahoma State~~
2 ~~Medical Association;~~

3 ~~2. One member shall be an osteopathic physician licensed to~~
4 ~~practice in this state, appointed from a list containing the names~~
5 ~~of not less than two osteopathic physicians and not less than two~~
6 ~~psychiatrists submitted to the Governor by the Oklahoma Osteopathic~~
7 ~~Association;~~

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

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

16 ~~5. Three members, qualified by education and experience in the~~
17 ~~area of substance abuse recovery, who shall be appointed from a list~~
18 ~~of not less than ten names submitted to the Governor by a state~~
19 ~~association of substance abuse recovery programs or organizations;~~
20 ~~and~~

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

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

6 ~~C. No person shall be appointed a member of the Board who has~~
7 ~~been a member of the Legislature of this state within the preceding~~
8 ~~five (5) years the following eleven (11) members:~~

9 1. Five members appointed by the Governor, with the advice and
10 consent of the House of Representatives and the Senate;

11 2. Three members appointed by the Speaker of the House of
12 Representatives; and

13 3. Three members appointed by the President Pro Tempore of the
14 Senate.

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

17 2. The Commissioner of Mental Health and Substance Abuse
18 Services shall be an ex officio member of the Board, but shall be
19 entitled to vote only in case of a tie vote.

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

22 ~~E. D.~~ All regularly scheduled meetings of the Board shall be
23 held at the Central Office of the Department of Mental Health and
24 Substance Abuse Services, Oklahoma City, Oklahoma, unless otherwise

1 scheduled. Six members shall constitute a quorum at any meeting,
2 and all action may be taken by an affirmative vote of the majority
3 of the members present at any such meeting.

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

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

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

13 ~~I.~~ H. Members of the Board of Mental Health and Substance Abuse
14 Services shall be allowed to serve on the State Board of Medical
15 Licensure and Supervision and the State Board of Osteopathic
16 Examiners during members' terms on the Board of Mental Health and
17 Substance Abuse Services.

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

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