

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 56th Legislature (2017)

4   COMMITTEE SUBSTITUTE  
5   FOR ENGROSSED  
6   SENATE BILL NO. 811

By: David of the Senate

and

Enns of the House

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10                                   COMMITTEE SUBSTITUTE

11           An Act relating to mental health; amending 43A O.S.  
12           2011, Section 3-403, as amended by Section 3, Chapter  
13           213, O.S.L. 2013 (43A O.S. Supp. 2016, Section 3-  
14           403), which relates to the Oklahoma Alcohol and Drug  
15           Abuse Services Act; modifying definition; and  
16           providing an effective date.

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

18           SECTION 1.           AMENDATORY           43A O.S. 2011, Section 3-403, as  
19           amended by Section 3, Chapter 213, O.S.L. 2013 (43A O.S. Supp. 2016,  
20           Section 3-403), is amended to read as follows:

21           Section 3-403. As used in the Oklahoma Alcohol and Drug Abuse  
22           Services Act:

23           1. "Approved treatment facility" means any facility which:  
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- 1           a.    offers either inpatient, intermediate or outpatient  
2                    treatment to any person suffering from alcohol or drug  
3                    abuse, or alcohol- or drug-related problems, and  
4           b.    is certified by the Board of Mental Health and  
5                    Substance Abuse Services;

6           2.    An "alcohol-dependent person" is one who uses alcoholic  
7           beverages to such an extent that it impairs the health, family life,  
8           or occupation of the person and compromises the health and safety of  
9           the community;

10          3.    A "drug-dependent person" means a person who is using a  
11          controlled substance as presently defined in Section 102 of the  
12          Federal Controlled Substances Act and who is in a state of psychic  
13          or physical dependence, or both, arising from administration of that  
14          controlled substance on an intermittent or continuous basis. Drug  
15          dependence is characterized by behavioral and other responses which  
16          include a strong compulsion to take the substance on a continuous  
17          basis in order to experience its psychic effects, or to avoid the  
18          discomfort of its absence;

19          4.    "Intoxicated person" means a person whose mental or physical  
20          functioning is substantially impaired as the direct result of the  
21          consumption of alcohol or drugs;

22          5.    "Medical detoxification" means diagnostic and treatment  
23          services performed by licensed facilities for acute alcohol  
24          intoxication, delirium tremens and physical and neurological

1 complications resulting from acute intoxication. Medical  
2 detoxification includes the services of a physician and attendant  
3 medical personnel including nurses, interns and emergency room  
4 personnel, the administration of a medical examination and a medical  
5 history, the use of an emergency room and emergency medical  
6 equipment if warranted, a general diet of three meals each day, the  
7 administration of appropriate laboratory tests, and supervision by  
8 properly trained personnel until the person is no longer medically  
9 incapacitated by the effects of alcohol;

10 6. "Nonmedical detoxification" means detoxification services  
11 for intoxicated clients with no apparent physical or neurological  
12 symptoms requiring medical treatment as a result of their  
13 intoxication. Nonmedical detoxification includes providing a bed,  
14 oral administration of fluids, three meals a day and the taking of  
15 the client's temperature, blood pressure and pulse at least once  
16 every six (6) hours for the duration of the client's stay in the  
17 nonmedical detoxification service;

18 7. "Inpatient treatment" means the process of providing  
19 residential diagnostic and treatment services on a scheduled basis;

20 8. "Intermediate care" means an organized therapeutic  
21 environment in which a client may receive diagnostic services,  
22 counseling, vocational rehabilitation and/or work therapy while  
23 benefiting from the support which a full or partial residential  
24 setting can provide. Intermediate care should provide a transition

1 between the inpatient detoxification facility and reintegration into  
2 community life. Intermediate care must include provision for a bed,  
3 three meals a day and medical support if needed;

4 9. "Transitional living facility" and "halfway house" means an  
5 approved treatment facility which offers or provides temporary  
6 residential accommodations, meals, supervision at all times  
7 residents are in the facility or on facility premises, and services,  
8 including counseling, short-term supportive care, case management,  
9 mental health services or treatment services. The terms do not  
10 include residential substance abuse centers which are facilities  
11 that provide treatment for consumers in a live-in setting that  
12 provides a regimen consisting of twenty-four (24) treatment hours  
13 per week;

14 10. "Short-term supportive care" means a service rendered to  
15 any person residing in a halfway house or transitional living  
16 facility which is sufficient to assist the person to meet or achieve  
17 an adequate level of daily living and to learn or develop adequate  
18 daily living skills. Daily living skills shall include, but not be  
19 limited to, resident participation in meal preparation and routine  
20 housekeeping and laundry tasks. Short-term supportive assistance  
21 includes, but is not limited to, assistance in the preparation of  
22 meals, housekeeping, laundry tasks and personal hygiene. Short-term  
23 supportive assistance shall not include medical services or personal  
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1 care as defined in Section 1-820 of Title 63 of the Oklahoma  
2 Statutes;

3 11. "Treatment" means the broad range of emergency, inpatient,  
4 intermediate and outpatient services and care, including diagnostic  
5 evaluation, medical, psychiatric, psychological and social service  
6 care, vocational rehabilitation and career counseling, which may be  
7 extended to alcohol-dependent, intoxicated and drug-dependent  
8 persons; and

9 12. "Faith-based" means an organization, association, facility  
10 or program that offers services within a context of religious  
11 beliefs that are articulated by the organization's, association's,  
12 facility's or program's mission statement, affiliations, or  
13 sponsoring entities.

14 SECTION 2. This act shall become effective November 1, 2017.

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16 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 04/04/2017 -  
17 DO PASS, As Amended.

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