

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

SENATE BILL 1770

By: Newhouse

AS INTRODUCED

An Act relating to mental health; amending 43A O.S. 2011, Section 1-109.1, as amended by Section 2, Chapter 155, O.S.L. 2013 (43A O.S. Supp. 2019, Section 1-109.1), which relates to treatment advocates; increasing number of allowed treatment advocates; specifying certain right of patient; modifying certain form; requiring form to be accepted by all treatment facilities and providers; requiring form to be made available on website of the Department of Mental Health and Substance Abuse Services; and providing an effective date.

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

SECTION 1. AMENDATORY 43A O.S. 2011, Section 1-109.1, as amended by Section 2, Chapter 155, O.S.L. 2013 (43A O.S. Supp. 2019, Section 1-109.1), is amended to read as follows:

Section 1-109.1. A. 1. Every adult having a mental illness as defined in Section 1-103 of this title who is under the care of a licensed mental health professional shall be informed by the licensed mental health professional or the mental health treatment facility that the consumer has the right to designate ~~a~~ one or more

1 family ~~member~~ members or other concerned ~~individual~~ individuals as a
2 treatment advocate.

3 2. The individual designated as a treatment advocate shall act
4 at all times in the best interests of the consumer.

5 3. The patient may change or revoke the designation of a
6 treatment advocate at any time and for any reason. The patient may
7 determine the level of involvement of the treatment advocate in the
8 care of the patient.

9 4. The treatment advocate may participate in the treatment
10 planning and discharge planning of the consumer to the extent
11 consented to by the consumer and as permitted by law.

12 5. A person holding the powers vested in a guardianship of the
13 person, a grant of general health care decision-making authority or
14 designation of health care proxy contained in an advance directive
15 for health care, or a durable power of attorney with health care
16 decision-making authority shall be the treatment advocate for the
17 patient by operation of law.

18 B. 1. The Board of Mental Health and Substance Abuse Services
19 shall promulgate rules for all facilities certified by the
20 Department of Mental Health and Substance Abuse Services as to the
21 design, contents, and maintenance of a designated treatment advocate
22 consent form. The form shall be recognized and accepted by every
23 licensed treatment facility or mental health provider in this state.
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1 The form shall be made easily accessible for download by the public
2 on the website of the Department.

3 2. The contents of the consent form, at a minimum, shall
4 include a statement indicating that the treatment advocate
5 understands that all mental health treatment information is
6 confidential and that the treatment advocate agrees to maintain
7 confidentiality.

8 C. This section shall not apply to inmates of the Oklahoma
9 Department of Corrections.

10 SECTION 2. This act shall become effective November 1, 2020.
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