

NOTICE OF MEETING

**STATE BOARD OF MENTAL HEALTH
AND SUBSTANCE ABUSE SERVICES**

**ODMHSAS
Board Room
2000 N. Classen, E600
Oklahoma City, Oklahoma 73106
405-248-9201**

March 30, 2018 – 9:00 a.m.

AGENDA

- I. Determination of quorum, call to order
and opening remarks..... Brian Bush, J.D.
Chair

- II. Approval of minutes of the January 26, 2018, Meeting..... Mr. Bush

- III. Discussion and Possible Action.....Stephanie Gay
Regarding Approval of Program Certifications Director, Provider Certification
(see Attachment "A")
Possible executive session as authorized
by 25 O.S. § 307(B)(4) and (7), for:
Discussion regarding pending investigations,
claims, or actions and matters which are confidential
pursuant to state or federal law

- IV. Discussion and Possible Action.....Traylor Rains-Sims
Regarding ODMHSAS Senior Director, Policy and
Administrative Rules Provider Regulation
Possible executive session as authorized
by 25 O.S. § 307(B)(4) and (7), for:
Discussion regarding pending investigations,
claims, or actions and matters which are confidential
pursuant to state or federal law

**Voting on Proposed Administrative Rules will occur after the public
comment period.**

CHAPTER 1. ADMINISTRATION

PROPOSED RULES:

SUBCHAPTER 9. CERTIFICATION AND DESIGNATION OF FACILITY SERVICES

- 450:1-9-5.1. Types and duration of certification status for facilities and programs
[AMENDED]
- 450:1-9-6. Procedures for application for certification [AMENDED]

450:1-9-7. Procedures for completion of the Permit for Temporary Operations certification process [AMENDED]

AUTHORITY:

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 2-101, 3-306 and 3-324.

SUMMARY:

The proposed rules are intended to clarify penalties for providing services prior to being certified as well as to increase the treatment program certification application fee from \$300 per certification period to \$1,000 per certification period pursuant to 43A O.S. 3-324.

CHAPTER 17. STANDARDS AND CRITERIA FOR COMMUNITY MENTAL HEALTH CENTERS

PROPOSED RULES:

SUBCHAPTER 1. GENERAL PROVISIONS

450:17-1-2. Definitions [AMENDED]

450:17-1-6. Services and service areas [AMENDED]

SUBCHAPTER 3. REQUIRED SERVICES

PART 3. SCREENING, ASSESSMENT AND REFERRAL

450:17-3-21. Integrated screening and assessment services [AMENDED]

PART 5. EMERGENCY SERVICES

450:17-3-41. Emergency services [AMENDED]

PART 9. MEDICATION CLINIC SERVICES

450:17-3-81. Medication clinic services [AMENDED]

PART 11. CASE MANAGEMENT

450:17-3-101. Case management services [AMENDED]

450:17-3-103. Case management services for consumers admitted to higher levels of care [AMENDED]

PART 17. SERVICES TO HOMELESS INDIVIDUALS

450:17-3-161. Services to homeless individuals [AMENDED]

PART 23. WELLNESS SERVICES AND RELATED ACTIVITIES

450:17-3-201. Wellness Services and Related Activities [AMENDED]

SUBCHAPTER 5. OPTIONAL SERVICES

PART 23. BEHAVIORAL HEALTH HOME

450:17-5-140. Program description and purpose [AMENDED]

450:17-5-146. Treatment team; children and adolescent team [AMENDED]

450:17-5-149. Admission [AMENDED]

450:17-5-151. Comprehensive assessment [AMENDED]

SUBCHAPTER 7. FACILITY CLINICAL RECORDS

450:17-7-8. Behavioral Health Service plan [AMENDED]

SUBCHAPTER 19. HUMAN RESOURCES

450:17-19-3. Utilization of volunteers [AMENDED]

SUBCHAPTER 21. STAFF DEVELOPMENT AND TRAINING

450:17-21-3. Annually required in-service training for all employees and volunteers [AMENDED]

450:17-21-6. Clinical supervision [AMENDED]

AUTHORITY:

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 2-101, 3-306, and 3-306.1.

SUMMARY:

The proposed rules are intended to update terminology and definitions and clarify requirements for biopsychsocial assessments and wellness services. Proposed revisions also require that volunteers utilized by the treatment programs must receive the same in-service trainings as staff. Rules are also revised to indicate that only one Community Mental Health Center can be certified per geographic service area.

CHAPTER 18. STANDARDS AND CRITERIA FOR SUBSTANCE RELATED AND ADDICTIVE DISORDER TREATMENT SERVICES

PROPOSED RULES:

SUBCHAPTER 1. GENERAL PROVISIONS

450:18-1-2. Definitions [AMENDED]

450:18-1-10. Volunteers [NEW]

SUBCHAPTER 5. ORGANIZATIONAL AND FACILITY MANAGEMENT

450:18-5-12. Americans with Disabilities Act of 1990 [NEW]

450:18-5-13. Human Immunodeficiency Virus (HIV), and Acquired Immunodeficiency Syndrome (AIDS) [NEW]

SUBCHAPTER 7. FACILITY CLINICAL RECORDS

PART 3. SCREENING AND ASSESSMENT

450:18-7-21. Clinical record content, screening and assessment [AMENDED]

450:18-7-23. Biopsychsocial assessment [AMENDED]

PART 9. SERVICE PLANNING

450:18-7-81. Service Plan [AMENDED]

PART 13. DISCHARGE PLANNING

450:18-7-123. Discharge Summary [AMENDED]

SUBCHAPTER 9. SERVICES SUPPORT AND ENHANCEMENT

PART 1. STAFF SUPPORT

450:18-9-2. Clinical supervision [AMENDED]

450:18-9-3. Staff privileging [AMENDED]

SUBCHAPTER 13. SUBSTANCE USE DISORDER TREATMENT SERVICES

PART 11. RESIDENTIAL TREATMENT

- 450:18-13-101. Residential treatment for adults [AMENDED]
- 450:18-13-101.1 Intensive residential treatment for adults [AMENDED]

PART 13. RESIDENTIAL TREATMENT FOR PERSONS WITH DEPENDENT CHILDREN

- 450:18-13-121. Residential treatment for persons with dependent children [AMENDED]

PART 15. RESIDENTIAL TREATMENT FOR ADULTS WITH CO-OCCURRING DISORDERS

- 450:18-13-141. Adult residential treatment for consumers with co-occurring disorders [AMENDED]

PART 17. RESIDENTIAL TREATMENT FOR ADOLESCENTS

- 450:18-13-161. Residential treatment for adolescents [AMENDED]

PART 19. HALFWAY HOUSE SERVICES

- 450:18-13-181. Halfway house services [AMENDED]

PART 20. ADOLESCENT HALFWAY HOUSE SERVICES

- 450:18-13-190. Adolescent halfway house services [AMENDED]

PART 21. HALFWAY HOUSE SERVICES FOR PERSONS WITH DEPENDENT CHILDREN

- 450:18-13-201. Halfway house services for persons with dependent children [AMENDED]

AUTHORITY:

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 2-101, 3-306, and 3-415.

SUMMARY:

The proposed rules are intended to update terminology and definitions, clarify requirements for biopsychsocial assessments and wellness services. The changes include requiring that biopsychsocial assessments and service plans be provided by Licensed Behavioral Health Professionals or Licensure Candidates. Proposed revisions also require that volunteers utilized by the treatment programs must receive the same in-service trainings as staff as well as update documentation requirements for services provided in a residential setting.

CHAPTER 24. STANDARDS AND CRITERIA FOR COMPREHENSIVE COMMUNITY ADDICTION RECOVERY CENTERS

PROPOSED RULES:

SUBCHAPTER 1. GENERAL PROVISIONS

- 450:24-1-2. Definitions [AMENDED]

SUBCHAPTER 3. REQUIRED SERVICES

PART 3. SCREENING, ASSESSMENT AND REFERRAL

- 450:24-3-21. Integrated screening and assessment services [AMENDED]

PART 7. AMBULATORY WITHDRAWAL MANAGEMENT SERVICES

450:24-3-61. Ambulatory withdrawal management services without extended on-site monitoring services [AMENDED]

PART 13. MEDICATION CLINIC SERVICES

450:24-3-121. Medication clinic services [AMENDED]

PART 15. CASE MANAGEMENT

450:24-3-143. Case management services for consumers admitted to higher levels of care [AMENDED]

PART 19. SERVICES TO HOMELESS INDIVIDUALS

450:24-3-181. Services to homeless individuals [AMENDED]

PART 23. WELLNESS SERVICES AND RELATED ACTIVITIES

450:24-3-221. Wellness Services and Related Activities [AMENDED]

SUBCHAPTER 7. FACILITY CLINICAL RECORDS

450:24-7-5. Clinical record content, screening and assessment [AMENDED]

450:24-7-7. Behavioral Health Service Plan [AMENDED]

450:24-7-13. Discharge Summary [AMENDED]

SUBCHAPTER 17. HUMAN RESOURCES

450:24-17-3. Utilization of volunteers [AMENDED]

SUBCHAPTER 19. STAFF DEVELOPMENT

450:24-19-3. Annually required in-service training for all employees and volunteers [AMENDED]

SUBCHAPTER 21. FACILITY ENVIRONMENT

450:24-21-1.2 Hygiene and sanitation [NEW]

450:24-21-1.3 Standards for food service [NEW]

450:24-21-1.4. Dietetic services [NEW]

AUTHORITY:

Oklahoma Department of Mental Health and Substance Abuse Services Board;
43A O.S. §§ 3-415.

SUMMARY:

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 24 are part of the Department's review of Title 450. The proposed rules are intended to update terminology and definitions, clarify requirements for biopsychsocial assessments and wellness services. The changes include requiring that biopsychsocial assessments and service plans be provided by Licensed Behavioral Health Professionals or Licensure Candidates. Proposed revisions also require that volunteers utilized by the treatment programs must receive the same in-service trainings as staff and add standards for hygiene and sanitation and food service provided in residential settings.

CHAPTER 27. STANDARDS AND CRITERIA FOR MENTAL ILLNESS SERVICE PROGRAMS

PROPOSED RULES:

SUBCHAPTER 3. ORGANIZATION STRUCTURE AND ADMINISTRATIVE OPERATIONS

PART 3. HUMAN RESOURCES ORGANIZATION

- 450:27-3-23. Volunteers [AMENDED]
- 450:27-3-26. Annually required in-service training for all employees and volunteers [AMENDED]
- 450:27-3-27. Clinical supervision [AMENDED]

SUBCHAPTER 7. CLINICAL SERVICES

PART 1. REQUIRED SERVICES

- 450:27-7-3. Assessment services [AMENDED]
- 450:27-7-24. Medication clinic services [AMENDED]
- 450:27-7-29. Wellness services and supports [AMENDED]

PART 5. CLINICAL DOCUMENTATION

- 450:27-7-42. Behavioral health service plan; documentation [AMENDED]

SUBCHAPTER 9. BEHAVIORAL HEALTH HOME

- 450:27-9-1. Program description and purpose [AMENDED]
- 450:27-9-7. Treatment team; children and adolescent team [AMENDED]
- 450:27-9-10. Admission [AMENDED]
- 450:27-9-12. Comprehensive assessments [AMENDED]

AUTHORITY:

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 3-323A.

SUMMARY:

The proposed rules are intended to update terminology and definitions and clarify requirements for biopsychsocial assessments and wellness services. Proposed revisions also require that volunteers utilized by the treatment programs must receive the same in-service trainings as staff.

CHAPTER 50. STANDARDS AND CRITERIA FOR CERTIFIED BEHAVIORAL HEALTH CASE MANAGERS

PROPOSED RULES:

SUBCHAPTER 3. BEHAVIORAL HEALTH CASE MANAGER CERTIFICATION APPLICATION

- 450:50-3-1. Qualifications for certification [AMENDED]

SUBCHAPTER 7. RULES OF PROFESSIONAL CONDUCT

- 450:50-7-2. Consumer welfare [AMENDED]

AUTHORITY:

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 3-318.

SUMMARY:

The proposed rules are intended to update qualifications for certification as a behavioral health case manager to include individuals employed by a tribe or tribal facility as well as employees of Veterans Affairs. Rules are also revised to protect consumer welfare by not allowing sexual contact between a consumer and a certified case manager at any point after the professional relationship is terminated.

CHAPTER 53. STANDARDS AND CRITERIA FOR CERTIFIED PEER RECOVERY SUPPORT SPECIALISTS

PROPOSED RULES:

SUBCHAPTER 3. PEER RECOVERY SUPPORT SPECIALISTS CERTIFICATION APPLICATION

450:53-3-1. Qualifications for certification [AMENDED]

AUTHORITY:

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 3-326.

SUMMARY:

The proposed rules are intended to update qualifications for certification as a peer recovery support specialist to include individuals employed by a tribe or tribal facility as well as employees of Veterans Affairs.

CHAPTER 55. STANDARDS AND CRITERIA FOR PROGRAMS OF ASSERTIVE COMMUNITY TREATMENT

PROPOSED RULES:

SUBCHAPTER 3. PROGRAM DESCRIPTION AND PACT SERVICES

450:55-3-2. Admission criteria [AMENDED]

450:55-3-3. Total case load and admission rate [AMENDED]

SUBCHAPTER 3. PROGRAM DESCRIPTION AND PACT SERVICES

450:55-3-2. Admission criteria [AMENDED]

450:55-3-3. Total case load and admission rate [AMENDED]

SUBCHAPTER 5. PACT CLINICAL DOCUMENTATION

450:55-5-4. Initial assessment and treatment plan [AMENDED]

450:55-5-5. Comprehensive assessment [AMENDED]

SUBCHAPTER 25. BEHAVIORAL HEALTH HOME

450:55-25-1. Program description and purpose [AMENDED]

450:55-25-9. Admission [AMENDED]

AUTHORITY:

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 2-101 and 3-319.

SUMMARY:

The proposed rules are intended to revise client admission requirements as well as requirements for the comprehensive assessment provided to all PACT consumers.

CHAPTER 60. STANDARDS AND CRITERIA FOR CERTIFIED EATING DISORDER TREATMENT PROGRAMS

PROPOSED RULES:

SUBCHAPTER 1. GENERAL PROVISIONS

450:65-1-2. Definitions [AMENDED]

SUBCHAPTER 3. REQUIRED SERVICES

450:60-3-3. Screening, intake, and assessment services [AMENDED]

450:60-3-14. Psychotherapist credentialing [AMENDED]

SUBCHAPTER 5. OPTIONAL SERVICES

450:60-5-3. Outpatient services [AMENDED]

SUBCHAPTER 17. HUMAN RESOURCES

450:60-17-3. Utilization of volunteers [AMENDED]

SUBCHAPTER 19. STAFF DEVELOPMENT AND TRAINING

450:60-19-3. Annually required inservice training for all employees and volunteers [AMENDED]

AUTHORITY:

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 3-320.

SUMMARY:

The proposed rules update definitions and terminology, clarify requirements for the biopsychsocial assessment and update credentialing requirements for psychotherapists. Revisions also require that volunteers within the program receive the same in-service trainings as staff.

CHAPTER 70. STANDARDS AND CRITERIA FOR OPIOID TREATMENT PROGRAMS

PROPOSED RULES:

SUBCHAPTER 1. GENERAL PROVISIONS

450:70-1-2. Definitions [AMENDED]

SUBCHAPTER 3. FACILITY RECORD SYSTEM

PART 5. BIOPSYCHSOCIAL ASSESSMENT

450:70-3-7. Biopsychsocial assessment [AMENDED]

PART 7. SERVICE PLANNING

450:70-3-8. Individualized service planning [AMENDED]

SUBCHAPTER 4. SERVICES SUPPORT AND ENHANCEMENT

PART 3. ORGANIZATIONAL AND FACILITY MANAGEMENT

450:70-4-5.4. Organizational – Fee structure and exceptions

AUTHORITY:

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 3-601 through 3-603.

SUMMARY:

The proposed rules are intended to update terminology and definitions as well as require that biopsychsocial assessments and service plans be provided by Licensed Behavioral Health Professionals or Licensure Candidates. Proposed revisions also allow for exceptions to the current treatment fee cap of \$65 per week which will be contingent upon ODMHSAS approval.

- V. Discussion Public Comment on Proposed Rule Changes.....Mr. Bush
There will be an opportunity for public comment relating to the proposed rules. The period for public comment will last up to 30 minutes. Individuals wishing to provide comment during this time period must provide notice of their request to speak no later than 24 hours before commencement of the Board meeting. Individual speakers will have up to 3-minutes each. If more than 10 people sign up to speak, the time allotted per speaker will be reduced proportionately to fit within the 30 minutes allowed for public comment. For more information or to sign up for public comment, email apatterson@odmhsas.org
- VI. DiscussionTerri White
Regarding report of activities since last Board meeting Commissioner
- VII. Discussion..... Durand Crosby, Ph.D.
Regarding report of activities since last Board meeting Chief of Staff and Operations
- VIII. Discussion regarding the.....Tricia Everest, J.D.
Report from the Corporate Committee Chair
Accountability Committee concerning
Department Investigations and
Consumer Complaints
Possible executive session as authorized
by 25 O.S. § 307(B)(4) and (7), for:
Discussion regarding pending investigations,
claims, or actions and matters which are confidential
pursuant to state or federal law
- IX. Discussion and Possible Action.....Joseph Mickey
Regarding the Consumer Advocate’s Report Consumer Advocate
Possible executive session as authorized
by 25 O.S. § 307(B) (4) and (7), for: Discussing
any matter where disclosure of information would

violate confidentiality requirements of state or federal law
 43A O.S. §§ 1-109, 2-109 and 3-422; 42 C.F.R.
 Part 2; 45 C.F.R. Parts 160 and 164; and 63 O.S. § 1-1709

- X. Discussion and Possible Action.....Dewayne Moore
 Regarding the Inspector General’s Report Inspector General
 Possible executive session as authorized
 by 25 O.S. § 307(B) (4) and (7), for:
 Discussion regarding investigations by the
 ODMHSAS Inspector General’s Division relating
 to consumer abuse, neglect and mistreatment
 which are confidential pursuant to 43A O.S. §§ 1-109,
 2-109 and 3-422; 42 C.F.R. Part 2; 45 C.F.R.
 Parts 160 and 164; and 63 O.S. § 1-1709

- XI. Discussion regarding the Glenna Stumblingbear-Riddle, Ph.D.
 Report from Performance Committee Chair
 Improvement Committee

- XII. Discussion and Possible Action..... Dr. Crosby
 Regarding Critical Incident Reports
 Possible executive session pursuant to 25.O.S.
 § 307 (B) (7) to discuss confidential information
 pursuant to state or federal law

- XIII. Discussion regarding the.....Ms. Everest
 Report from the Finance Committee Committee Chair
 Including possible discussion of expenditures,
 budget increases, reduction and revenues

- XIV. Discussion and Possible Action.....Rich Edwards
 Regarding the Monthly Financial Report Chief Financial Officer
 Including possible discussion of expenditures,
 budget increases, reduction and revenues

- XV. Presentation.....Commissioner White

- XVI. Presentation.....Commissioner White

- XVII. New Business.....Mr. Bush

- XVIII. Adjournment.....Mr. Bush