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 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

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 biopsychosocial 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
450:18-5-13. 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. Biopsychosocial 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
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 biopsychosocial assessments and wellness services. The changes include requiring that biopsychosocial 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 biopsychosocial assessments and wellness services. The changes include requiring that biopsychosocial 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 biopsychosocial 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]
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 biopsychosocial 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. BIOPSYCHOSOCIAL ASSESSMENT
450:70-3-7. Biopsychosocial 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 biopsychosocial 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. Discussion ............................................................................................... Terri 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 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