

# An Act

ENROLLED HOUSE  
BILL NO. 1562

By: Hall of the House

and

Standridge and Pittman of  
the Senate

An Act relating to mental health; amending 43A O.S. 2011, Section 4-106, which relates to mechanical restraints; expanding licensed health care providers who may determine if mechanical restraint is required by medical needs of consumer; requiring certain examination after mechanical restraint is applied to consumer after emergency situation arises; and providing an effective date.

SUBJECT: Use of mechanical restraints

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

SECTION 1. AMENDATORY 43A O.S. 2011, Section 4-106, is amended to read as follows:

Section 4-106. A. Mechanical restraints shall not be applied to a consumer unless:

1. It is determined by a an allopathic physician or physician's, osteopathic physician, physician assistant or advanced practice registered nurse who is authorized to order restraint by hospital or community-based structured crisis center, as defined by Section 3-317 of this title, policy to be required by the medical needs of the consumer; or

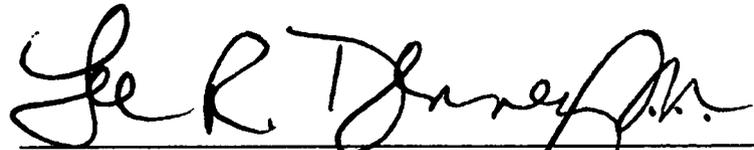
2. An emergency situation arises and a mechanical restraint is necessary for the safety of the individual or others. The mechanical restraint may be applied after obtaining a verbal order

of a an allopathic physician or physician's, osteopathic physician, physician assistant or advanced practice registered nurse as long as the physician or physician's assistant personally examines the consumer receives a face-to-face examination within one (1) hour after the restraint is applied by an allopathic physician, osteopathic physician, physician assistant, advanced practice registered nurse or registered nurse trained in restraint management in accordance with the then-current standards promulgated by the United States Department of Health and Human Services and authorized by hospital policy.

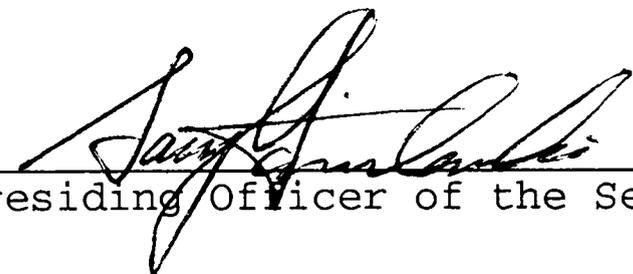
B. No mechanical restraint shall be continued for longer than is absolutely necessary under the circumstances. ~~Every~~ Regardless of who orders the restraint, every use of a mechanical restraint, the reasons and length of time, shall be made a part of the clinical record of the consumer under the signature of the attending allopathic physician or osteopathic physician.

SECTION 2. This act shall become effective November 1, 2015.

Passed the House of Representatives the 5th day of March, 2015.

  
Presiding Officer of the House  
of Representatives

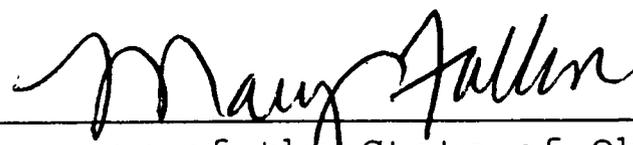
Passed the Senate the 8th day of April, 2015.

  
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 9<sup>th</sup>  
day of April, 20 15, at 1:09 o'clock P M.  
By: Audrey Kottwell

Approved by the Governor of the State of Oklahoma this 13<sup>th</sup>  
day of April, 20 15, at 3:19 o'clock P M.

  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 13<sup>th</sup>  
day of April, 20 15, at 4:07 o'clock P. M.  
By: Ch. Benz