

FORENSIC REVIEW BOARD

Post Office Box 53277
Oklahoma City, OK 73152
(405) 522-3908

TITLE 277

CHAPTER 1

FORENSIC REVIEW BOARD

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SUBCHAPTER 1. GENERAL PROVISIONS

277:1-1-1. Applicability

(a) This Subchapter is applicable to the Oklahoma Forensic Review Board pursuant to Title 22 O.S. § 1161.

(b) Each person ordered to the custody of the Oklahoma Department of Mental Health and Substance Abuse Services through a "not guilty by reason of insanity" verdict shall receive an annual review of his or her case and clinical status by the Forensic Review Board.

277:1-1-2. Definitions

The following words or terms, when used in this chapter, shall have the following meaning, unless the context clearly indicates otherwise.

"Conditional Release" is a court approved release for those adjudicated not guilty by reason of insanity who are not believed to be presently dangerous to the public peace or safety, from the physical custody of the Oklahoma Department of Mental Health and Substance Abuse Services.

"Forensic Review Board" or **"Review Board"** is the board appointed by the Governor to review the cases of persons ordered to the custody of the Oklahoma Department of Mental Health and Substance Abuse Services through a "not guilty by reason of insanity" verdict.

"ODMHSAS" means the Oklahoma Department of Mental Health and Substance Abuse Services.

"OFC" means the Oklahoma Forensic Center

"Therapeutic visits" mean any supervised time spent off the campus of the Oklahoma Forensic Center or any other ODMHSAS operated facility to which the individual may be committed. The degree and manner of supervision will be determined by the Review Board. Therapeutic visits include the following types of off-campus time:

(A) **Day passes** mean off-ground passes for a period of time not to exceed 8 hours between the hours of 8 a.m. and 8 p.m. Before being considered for day passes the consumer must have been successful in maintaining compliance with his/her treatment plan at the Oklahoma Forensic Center for a minimum of six (6) months and shall not have exhibited any episodes of aggressive/violent behavior during this time.

(B) **Routine therapeutic visits** mean off-ground visits to a specified residential care facility or to a family member who is approved by the Review Board for a designated period of time.

(i) Consumers who are classified by OFC as a low to moderate risk and whose offenses are of a non-violent nature, as defined by 57 O.S. §571(2), may be considered for therapeutic visits to a community residential care facility or to a family member who is approved by the Review Board, with supervision by the appropriate community mental health center and family member.

(ii) Consumers who are classified by OFC as a high risk and whose offenses are of a violent nature toward others, as defined by 57 O.S. §571(2), may be considered for therapeutic visits to a community residential care facility, but

will be supervised by both the community mental health center and a forensic case manager.

(iii) Before being eligible for consideration for routine therapeutic visits the consumer must have been successful in managing three months of weekly day passes and must have had no episodes of aggressive behavior in the twelve (12) months preceding the recommended passes, and must not be considered an elopement risk.

(C) **Emergency visits** mean an unforeseen situation such as critical illness or death that arises in the consumer's family that may require them to leave the grounds of OFC under approved supervision.

277:1-1-3. Composition, powers and duties

(a) **Meetings.** The Review Board shall meet at the Oklahoma Forensic Center or by videoconference at least quarterly.

(1) A quorum shall consist of four (4) members who are present either physically or via teleconference.

(2) The agenda and materials for review shall be sent to all Board members in advance of the meeting. Review materials pertinent to each case may include, but are not limited to:

(A) Risk assessment of the consumer;

(B) Recommendation and other relevant information from the consumer's treatment team which includes input as to whether the consumer can safely engage in a therapeutic visit or conditional release program, and in the event a recommendation is made for a therapeutic visit, the team should include information regarding:

(i) The conditions under which each therapeutic visit should occur;

(ii) The structure needed in a community setting for a conditional release program.

(iii) Under what conditions the individual may be a danger to self or others if placed in a community setting.

(iv) If neither program is recommended, the treatment team should note the reasons why the consumer should remain at the Oklahoma Forensic Center.

(C) Progress notes for the previous three (3) months relevant to any critical incident report or any inappropriate behavior that occurred within the previous twelve (12) months;

(D) Lab testing for medication compliance;

(E) Lab results for drug/alcohol screens upon return from previous visits, if any;

(F) Any critical incident forms involving the consumer during the previous twelve months;

(G) Input from family members or others involved in the plans for the Therapeutic Visit; and

(H) Other information the Review Board deems necessary.

(3) The person whose case is under review shall be given an opportunity to provide input via written documentation and in person. If the person chooses, he or she may have a representative accompany him or her to the Review Board meeting.

(4) These meetings shall not be considered open to the public. Other than the

Forensic Review Board members, the following individuals shall be permitted to attend the meetings and ask questions of the consumer whose case is being reviewed, the treatment team or any other person appearing before the Forensic Review Board:

- (A) ODMHSAS Commissioner or designee;
- (B) ODMHSAS Advocate General or designee;
- (C) Oklahoma Forensic Center's Executive Director or designee;
- (D) ODMHSAS General Counsel or designee;
- (E) ODMHSAS Deputy Commissioner for Mental Health Services or designee;
- and
- (F) ODMHSAS Medical Director.
- (G) Any other persons wishing to attend the meeting must first obtain approval by the Forensic Review Board's Chairperson.

(b) **Reviews.** Following the review of the information submitted the Review Board shall render a determination at the conclusion of each meeting based upon a majority vote of Review Board members present. The determination for each case is limited to the following:

- (1) Whether therapeutic visits will be recommended to the court;
- (2) If a therapeutic visit is recommended, the location of the visit;
- (3) The date and time the visit will begin and the duration of the visit;
- (4) The entity or person to provide supervision of the consumer during the visit;
- (5) Any other parameters to be recommended to the court reviewing the recommendation for a therapeutic visit;
- (6) If a conditional release will be recommended to the court;
- (7) If a conditional release is recommended to the court, the Forensic Review Board shall make recommendations regarding the plan for continued outpatient services and any other terms of the conditional release;
- (8) If a discharge from a conditional release will be recommended to the court; and
- (9) Formal Risk Assessments completed by staff at the Oklahoma Forensic Center will be considered in the overall context of evaluating suitability for conditional release/therapeutic visit and recommended discharges.

(c) All consumers returning from any therapeutic visit shall be searched for contraband and shall be subject to drug testing.

(d) **Suspension of Therapeutic Visit:** In the event the Executive Director of OFC determines that the consumer is not compliant with the conditions of the therapeutic visit, the consumer will be notified the visit is suspended and instructed to report immediately to the Oklahoma Forensic Center. The Executive Director or Designee shall notify the chair of the Forensic Review Board of the suspension. The suspension will remain in effect until the facts surrounding the suspension are reviewed and a decision is reached by the Forensic Review Board at its next meeting.

(e) In the case of a family emergency an emergency visit may be granted upon recommendation of the Executive Director of the Oklahoma Forensic Center with approval of the Forensic Review Board chair and the committing court.

(f) The Review Board shall apprise the consumer whose case was reviewed, the ODMHSAS Commissioner or designee, the Oklahoma Forensic Center Executive Director, and the Consumer Advocate General of each determination made.

(g) ODMHSAS shall provide support services to the Review Board and its Chair.