

NOTICE OF SPECIAL MEETING

PASTEUR MEDICAL BUILDING
1111 N. LEE AVENUE, SUITE 500
OKLAHOMA CITY, OKLAHOMA

December 11, 2015
12:00 p.m.

AGENDA

- I. Call to order and determination of quorum *Chairman Jay Scott Brown*
- II. Welcome and Introductions *Chairman Jay Scott Brown*
- III. Adoption of Emergency Rule *Chairman Jay Scott Brown*
 - Senate Bill 457, enacted during the 2015 Legislative Session, creates a new section of law to be codified at Title 10A O.S. § 2-2-401.4 requiring the Oklahoma Commission on Children and Youth to submit a list of credentialed juvenile competency evaluators to the Administrative Office of the Courts effective January 1, 2016.
 - 1) Discussion and possible action to find that a rule is necessary as an emergency measure pursuant to the criteria provided for at 75 O.S. § 253(A):
 - a) to protect public health safety or welfare,
 - b) to comply with deadlines in amendments to the agency's governing law or federal program,
 - c) to avoid violation of federal law or regulation or other state law,
 - d) to avoid imminent reduction to the agency's budget, or
 - e) to avoid serious prejudice to the public interest.
 - 2) Discussion and possible action to adopt as Emergency Rule and submit to Governor:
 - Title 135, Chapter 10, **Subchapter 26. Juvenile Forensic Evaluator Credentialing [NEW]**
- IV. Adjournment

**TITLE 135. COMMISSION ON CHILDREN AND YOUTH
CHAPTER 10. PROGRAMS, BOARDS, AND COUNCILS: OPERATION AND
ADMINISTRATION**

Subchapter 26. Juvenile Forensic Evaluator Credentialing

135:10-26-1. Origin and Authority

The Oklahoma Commission on Children and Youth has the duty of credentialing juvenile forensic evaluators pursuant to Oklahoma Session Laws 2015, ch. 398, § 4, eff. Jan. 1, 2016. The Commission shall establish procedures for ensuring the training and qualifications of evaluators and shall provide a list of credentialed juvenile forensic evaluators to the Administrative Office of the Courts.

135:10-26-2. Definitions

The following words and terms, when used in this Subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

- (1) “Commission” shall refer to the Oklahoma Commission on Children and Youth;
- (2) “Competent” and “competency” refer to a child’s ability to understand the nature and objectives of a proceeding against the child or to assist in the child’s defense. A child is incompetent if, due to developmental disability, developmental immaturity, intellectual disability, or mental illness, the child is presently incapable of understanding the nature and objective of proceedings against the child or of assisting in the child’s defense;
- (3) “Credentialed forensic evaluator” means a licensed psychologist, psychiatrist or other physician with necessary education, training, and experience to perform juvenile competency evaluations, and who has been approved to render such opinions for the court;
- (4) “Developmental disability” means a severe and chronic disability that is attributable to a mental or physical impairment. Such disabilities include, but are not limited to, cerebral palsy, epilepsy, autism, or other neurological conditions that lead to impairment of general intellectual functioning or adaptive behavior;
- (5) “Developmental immaturity” means a condition based on a juvenile’s chronological age and significant lack of developmental skills when the juvenile has no significant mental illness or intellectual disability;
- (6) “Director” means the Director of the Oklahoma Commission of Children and Youth;
- (7) “Intellectual disability” means a disability characterized by significant limitations both in intellectual functioning and in adaptive behavior as expressed in conceptual, social and practical adaptive skills;

(8) “Juvenile Competency Evaluation Professional Committee” or “Professional Committee” shall mean those persons appointed by the Director to perform the duties provided for by this subchapter; and

(9) Mental illness” has the same meaning as in paragraph 11 of Section 5-502 of Title 43A of the Oklahoma Statutes.

135:10-26-3. Credentialing process

(A) **Eligibility.** In order to be eligible to be placed on the list of credentialed juvenile forensic evaluators, a psychologist or psychiatrist shall:

(1) submit an application on a form prepared by the Director in consultation with the Professional Committee;

(2) hold a current license to practice in Oklahoma;

(3) provide documentation of clinical experience consisting of at least two thousand (2,000) hours, of which one thousand (1,000) hours must be postdoctoral, in the assessment, diagnosis or treatment of children and/or adolescents with developmental disability, developmental immaturity, intellectual disability or mental illness;

(4) demonstrate professional experience conducting comprehensive/integrated psychological evaluations of children and/or adolescents which shall include administering intellectual/cognitive, personality and behavioral measures; and

(5) successfully complete the Oklahoma Juvenile Forensic Evaluator Training including a post-training written exam.

(B) **Provisional approval.** A candidate who meets the criteria established in subsection (A) shall be deemed provisionally approved by the Commission and shall be placed on the list of credentialed evaluators. Such provisionally approved evaluators shall complete one juvenile competency evaluation at the discretion of the court. At the time that the provisionally approved evaluator submits the first evaluation report to the court, the evaluator shall submit a redacted copy to the Professional Committee for review. The report will be assessed by the Professional Committee to determine adherence to the minimum criteria as established in the Oklahoma Juvenile Forensic Evaluator Training.

(C) **Final Approval.**

(1) The Professional Committee shall submit to the Commission for final approval the names of those evaluators whose first report meets minimum criteria as determined by the Professional Committee. Persons approved by the Commission shall remain on the list of credentialed evaluators for a period of three (3) years. Approved evaluators must retake and successfully complete the Juvenile Forensic Evaluator Training at the end of each three-year period in order to remain on the list.

(2) If an evaluator's first evaluation report does not meet minimum criteria, the Professional Committee shall notify the court. The Professional Committee shall also inform the evaluator of the deficiencies, make mentoring available, and provide an opportunity for the evaluator to submit one additional report contingent upon referral by a court. If the Professional Committee determines that the second evaluation report does not meet minimum criteria, the Professional Committee shall notify the court and the evaluator's name shall be removed from the list of credentialed evaluators. A person whose name is removed from the list may reapply and must retake and successfully complete the Oklahoma Juvenile Forensic Evaluator Training.

135:10-26-4. Juvenile Competency Evaluation Professional Committee

(A) **Membership.** The Director shall appoint up to twelve (12) members each serving a term of three (3) years. Members may be reappointed at the discretion of the Director. The members shall be persons who have training and experience in matters related to juvenile competency and shall include as a minimum:

- (1) Four persons licensed to practice either psychology or psychiatry in the State of Oklahoma;
- (2) One judge with responsibility for juvenile cases;
- (3) One defense attorney who primarily represents juvenile defendants;
- (4) One prosecuting attorney with responsibility for juvenile cases; and
- (5) A legal or other professional with expertise in areas relevant to competency such as developmental disabilities, special education or competency restoration services.

(B) **Duties.** The Professional Committee shall advise the Commission on development and implementation of Juvenile Competency Evaluator credentialing including but not limited to:

- (1) developing and administering the Oklahoma Juvenile Forensic Evaluator Training;
- (2) reviewing evaluator applications and determining whether an applicant meets minimum criteria for provisional approval;
- (3) reviewing in a timely fashion reports submitted by provisionally approved evaluators, and recommending evaluators to the Commission for final approval; and
- (4) performing any other duties as directed by the Commission.