

# FREE CLE TRAINING

For

Judges, Attorneys and  
Law Enforcement

October 24, 2019

ED and Confidentiality Training by Robin Wilson,  
Oklahoma Department of Mental Health



Start Time: 1:00 p.m.

Stop Time: 4:00 p.m.

In the Seminar Room,

**SW VOTECH Center**

711 W. Tamarack

Altus, OK 73521

Please RSVP at

[norma.parsons@laok.org](mailto:norma.parsons@laok.org) or

580-215-1121

Sponsored by Legal Aid Services of Oklahoma, Inc.

Title: Coercive Caring: protective custody, emergency detention, civil commitment, and outpatient orders

Presentation Overview: 1) Provide a summary of Emergency Detention (ED) & Involuntary Commitment Process. 2) Develop better understanding of statutory and Constitutional requirements for civil confinement.

Presentation Objectives:

- 1) Participants will have an understanding of what the criteria is for emergency detention including what is included and excluded in the definition of a person requiring treatment.
- 2) Participants will have an understanding of statutory and Constitutional requirements for emergency detention.
- 3) Participants will have an understanding of the process for emergency detention and the civil commitment process.
- 4) Participants will have an understanding of legal rights for individuals going through the emergency detention process.
- 5) Participants will have an understanding of transportation and EMTALA criteria.

Title: Confidentiality: Navigating the Complex Intersection of the Right to Privacy and Obligation to Disclose

Presentation Overview: Provide a summary of the following: 1) Governing law overview (HIPAA, 42 CFR Part 2 (including recent changes and pending legislation)), 43A OS §1-109, OAC Chapter 15), 2) Conditions allowing disclosure (Consent, Court Order, Exceptions), 3) Minimum amount necessary (should be seen by only those authorized to see it; should be heard by only those authorized to hear it; should be disclosed by only those authorized to receive it), 4) Subpoenas and what to do with them (subpoena to appear vs. subpoena duces tecum; orders to testify can come from the bench), 5) Duty to Warn (identifying when confidentiality can be breached to warn of imminent threat)

Presentation Objectives:

- 1) Attendees will be familiar with the areas of governing law and the concept of preemption.
- 2) Attendees will be able to articulate the conditions allowing disclosure
- 3) Attendees will understand the "minimum amount necessary" standard and how it applies to persons or classes of persons within the agency who need information to carry out their job duties. They will also be able to articulate when persons within the agency may have access limited in order to meet the "minimum amount necessary" standard.
- 4) Attendees will be prepared to respond to Subpoenas depending on type and understand the requisite order that must be in place before providing testimony.
- 5) Attendees will be able to identify when confidentiality may be breached to warn of imminent threat.