

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1606

By: Bullard of the Senate

and

6 Humphrey of the House

7
8
9 COMMITTEE SUBSTITUTE

10 [transportation for mental health services by law
11 enforcement - telemedicine - agreements - effective
12 date]

13
14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. AMENDATORY 43A O.S. 2011, Section 1-110, as
16 last amended by Section 1, Chapter 374, O.S.L. 2016 (43A O.S. Supp.
17 2019, Section 1-110), is amended to read as follows:

18 Section 1-110. A. Sheriffs and peace officers shall utilize
19 telemedicine, when such capability is available, to have a person
20 whom the officer reasonably believes is a person requiring
21 treatment, as defined in Section 1-103 of this title, assessed by a
22 licensed mental health professional employed by or under contract
23 with a facility operated by or contracted with the Department of
24 Mental Health and Substance Abuse Services. For the security of the

1 jurisdiction, peace officers shall be responsible for transporting
2 individuals to ~~and from a designated sites~~ site or ~~facilities~~
3 facility for the purpose of examination, emergency detention, ~~or~~
4 protective custody ~~and inpatient services,~~ upon initial contact.
5 For purposes of this section, "initial contact" shall include, but
6 not be limited to, contact with an individual in need of
7 examination, emergency detention or protective custody made by a law
8 enforcement officer. Initial contact in this section does not
9 include an individual self-presenting at a hospital, medical or
10 mental health treatment center or crisis center.

11 B. A municipal law enforcement agency shall be responsible for
12 any individual found within such municipality's jurisdiction. The
13 county sheriff shall be responsible for any individual found outside
14 of a municipality's jurisdiction, but within the county.

15 C. ~~The law enforcement agency transporting an individual to and~~
16 ~~from designated sites or facilities pursuant to the provisions of~~
17 ~~this section shall maintain responsibility for the transportation of~~
18 ~~such individual pending completion of the examination, emergency~~
19 ~~detention, protective custody and inpatient services~~ Once an
20 individual has either been presented to a treatment facility by a
21 transporting law enforcement officer or has self-presented, the
22 Department of Mental Health and Substance Abuse Services shall be
23 responsible for any subsequent transportation of such individual
24

1 pending completion of the examination, emergency detention,
2 protective custody or inpatient services.

3 D. Sheriffs and peace officers shall be entitled to
4 reimbursement from the Department of Mental Health and Substance
5 Abuse Services for transportation services associated with minors or
6 adults requiring examination, emergency detention, protective
7 custody and inpatient services.

8 E. Any transportation provided by a sheriff or deputy sheriff
9 or a peace officer on behalf of any county, city, town or
10 municipality of this state, to or from any facility for the purpose
11 of examination, admission, interfacility transfer, medical treatment
12 or court appearance shall be reimbursed in accordance with the
13 provisions of the State Travel Reimbursement Act.

14 F. Nothing in this section shall prohibit a law enforcement
15 agency or the Department of Mental Health and Substance Abuse
16 Services from entering into a lawful agreement with any other law
17 enforcement agency to fulfill the requirements established by this
18 section or from contracting with a third party to provide the
19 services established by this section provided the third party meets
20 minimum standards as determined by the Department. ~~Standards~~
21 ~~determined by the Department shall not exceed the standards required~~
22 ~~by law enforcement.~~

23 G. A law enforcement agency shall not be liable for the actions
24 of a peace officer commissioned by the agency when such officer is

1 providing services as a third party pursuant to subsection F of this
2 section outside his or her primary employment as a peace officer.

3 SECTION 2. This act shall become effective November 1, 2020.
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