

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

SENATE BILL 1606

By: Bullard

AS INTRODUCED

An Act relating to transportation for mental health services by law enforcement; amending 43A O.S. 2011, Section 1-110, as last amended by Section 1, Chapter 374, O.S.L. 2016 (43A O.S. Supp. 2019, Section 1-110), which relates to law enforcement transportation for mental health services; providing for use of telemedicine; providing definitions; amending certain responsibility for transport; authorizing certain agreements; and providing an effective date.

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

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

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

1 initial assessment, it is determined emergency detention can be  
2 avoided by the person agreeing to treatment in a less restrictive  
3 level of care, the officer shall transport the person to the nearest  
4 facility determined by the licensed mental health professional to  
5 best meet the person's treatment needs. When telemedicine  
6 capability is not available, ~~Sheriffs~~ sheriffs and peace officers  
7 shall be responsible for transporting individuals to ~~and from a~~  
8 designated ~~sites~~ site or ~~facilities~~ facility for the purpose of  
9 examination, emergency detention, protective custody and inpatient  
10 services upon initial contact. For purposes of this section,  
11 "initial contact" shall include, but not be limited to, contact with  
12 an individual in need of examination, emergency detention,  
13 protective custody or inpatient services made by a law enforcement  
14 officer. Initial contact in this section does not include an  
15 individual self-presenting at a hospital, medical or mental health  
16 treatment center or crisis center.

17 B. A municipal law enforcement agency shall be responsible for  
18 any individual found within such municipality's jurisdiction. The  
19 county sheriff shall be responsible for any individual found outside  
20 of a municipality's jurisdiction, but within the county.

21 C. ~~The law enforcement agency transporting an individual to and~~  
22 ~~from designated sites or facilities pursuant to the provisions of~~  
23 ~~this section shall maintain responsibility for the transportation of~~  
24 ~~such individual pending completion of the examination, emergency~~

1 ~~detention, protective custody and inpatient services~~ Once an  
2 individual has either been presented to a treatment facility by a  
3 transporting law enforcement officer or has self-presented, the  
4 Department of Mental Health and Substance Abuse Services shall be  
5 responsible for any subsequent transportation of such individual  
6 pending completion of the examination, emergency detention,  
7 protective custody or inpatient services.

8 D. Sheriffs and peace officers shall be entitled to  
9 reimbursement from the Department of Mental Health and Substance  
10 Abuse Services for transportation services associated with minors or  
11 adults requiring examination, emergency detention, protective  
12 custody and inpatient services.

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

19 F. Nothing in this section shall prohibit a law enforcement  
20 agency or the Department of Mental Health and Substance Abuse  
21 Services from entering into a lawful agreement with any other law  
22 enforcement agency to fulfill the requirements established by this  
23 section or from contracting with a third party to provide the  
24 services established by this section provided the third party meets

1 minimum standards as determined by the Department. ~~Standards~~  
2 ~~determined by the Department shall not exceed the standards required~~  
3 ~~by law enforcement.~~

4 G. A law enforcement agency shall not be liable for the actions  
5 of a peace officer commissioned by the agency when such officer is  
6 providing services as a third party pursuant to subsection F of this  
7 section outside his or her primary employment as a peace officer.

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

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