

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 4082

By: Wallace of the House

and

6 Bullard of the Senate

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9 COMMITTEE SUBSTITUTE

10 An Act relating to mental health; creating the Mental
11 Health Transport Revolving Fund; providing for
12 funding; providing for expenditure of fund; amending
13 43A O.S. 2021, Section 1-110, as last amended by
14 Section 1, Chapter 39, O.S.L. 2021, which relates to
15 law enforcement responsibility for transporting
16 persons for mental health services; limiting
17 transportation to certain area under certain
18 condition; requiring transportation responsibility of
19 specified entities for certain patients; clarifying
20 when certain duties are considered completed;
21 providing for codification; and providing an
22 effective date.

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

24 SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1-110.1 of Title 43A, unless
there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund
for the Department of Mental Health and Substance Abuse Services to

1 be designated the "Mental Health Transport Revolving Fund". The
2 fund shall be a continuing fund, not subject to fiscal year
3 limitations, and shall consist of all monies received by the
4 Department from appropriations or other monies directed to the fund.
5 All monies accruing to the credit of the fund are hereby
6 appropriated and may be budgeted and expended by the Department to
7 carry out the provisions provided for in Section 1-110 of Title 43A
8 of the Oklahoma Statutes. Expenditures from the fund shall be made
9 upon warrants issued by the State Treasurer against claims filed as
10 prescribed by law with the Director of the Office of Management and
11 Enterprise Services for approval and payment.

12 SECTION 2. AMENDATORY 43A O.S. 2021, Section 1-110, as
13 last amended by Section 1, Chapter 39, O.S.L. 2021, is amended to
14 read as follows:

15 Section 1-110. A. Sheriffs and peace officers may utilize
16 telemedicine, when such capability is available and is in the
17 possession of the local law enforcement agency, to have a person
18 whom the officer reasonably believes is a person requiring
19 treatment, as defined in Section 1-103 of this title, assessed by a
20 licensed mental health professional employed by or under contract
21 with a facility operated by, certified by or contracted with the
22 Department of Mental Health and Substance Abuse Services. To serve
23 the mental health needs of persons of their jurisdiction, peace
24 officers shall be responsible for transporting individuals in need

1 of initial assessment, emergency detention or protective custody
2 from the initial point of contact to the nearest facility, as
3 defined in Section 1-103 of this title, within a ~~thirty (30) mile~~
4 thirty-mile radius of the peace officer's operational headquarters.
5 If transportation is needed within the thirty-mile radius, the law
6 enforcement agency that made the initial contact within its
7 jurisdiction shall be responsible for transporting the individual
8 inside the thirty-mile radius. If there is not a facility within a
9 ~~thirty (30) mile~~ thirty-mile radius of the peace officer's
10 operational headquarters, transportation to a facility shall be
11 completed by either the Department of Mental Health and Substance
12 Abuse Services or an entity contracted by the Department for
13 alternative transportation. For purposes of this section, "initial
14 contact" is defined as contact with an individual in need of
15 assessment, emergency detention or protective custody made by a law
16 enforcement officer. Initial contact in this section does not
17 include an individual self-presenting at a facility as defined in
18 Section 1-103 of this title. For patients who self-present,
19 arranging transportation of these patients shall be the
20 responsibility of the receiving facility or the Department of Mental
21 Health and Substance Abuse Services. The transportation
22 requirements provided for in this subsection shall be considered
23 completed once a connection has been made with staff of the health
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1 care facility and it is apparent the patient is not presenting a
2 clear threat to the safety of the staff of the receiving facility.

3 B. A municipal law enforcement agency shall be responsible for
4 transportation as provided in this act for any individual found
5 within such municipality's jurisdiction. The county sheriff shall
6 be responsible for transportation as provided in this act for any
7 individual found outside of a municipality's jurisdiction, but
8 within the county.

9 C. Once an individual has been presented to the facility, as
10 provided in subsection A of this section, by a transporting law
11 enforcement officer, the transporting law enforcement agency shall
12 be responsible for any subsequent transportation of such individual
13 pending completion of the initial assessment, emergency detention,
14 protective custody or inpatient services within a ~~thirty (30) mile~~
15 thirty-mile radius of the peace officer's operational headquarters.
16 All transportation over thirty (30) miles must be completed by
17 either the Department of Mental Health and Substance Abuse Services
18 or an entity contracted by the Department for alternative
19 transportation.

20 D. Sheriffs and peace officers shall be entitled to
21 reimbursement from the Department of Mental Health and Substance
22 Abuse Services for transportation services associated with minors or
23 adults requiring initial assessment, emergency detention, protective
24 custody and inpatient services.

1 E. Any transportation provided by a sheriff or deputy sheriff
2 or a peace officer on behalf of any county, city, town or
3 municipality of this state, to or from any facility for the purpose
4 of initial assessment, admission, interfacility transfer, medical
5 treatment or court appearance shall be reimbursed in accordance with
6 the provisions of the State Travel Reimbursement Act.

7 F. Nothing in this section shall prohibit a law enforcement
8 agency or the Department of Mental Health and Substance Abuse
9 Services from entering into a lawful agreement with any other law
10 enforcement agency to fulfill the requirements established by this
11 section or from contracting with a third party to provide the
12 services established by this section provided the third party meets
13 minimum standards as determined by the Department.

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

18 SECTION 3. This act shall become effective November 1, 2022.
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