

An Act

ENROLLED HOUSE
BILL NO. 4082

By: Wallace of the House

and

Bullard of the Senate

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

SUBJECT: Mental health

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

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 be designated the "Mental Health Transport Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Department from appropriations or other monies directed to the fund. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Department to carry out the provisions provided for in Section 1-110 of Title 43A

of the Oklahoma Statutes. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

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

Section 1-110. A. Sheriffs and peace officers may utilize telemedicine, when such capability is available and is in the possession of the local law enforcement agency, 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, certified by or contracted with the Department of Mental Health and Substance Abuse Services. To serve the mental health needs of persons of their jurisdiction, peace officers shall be responsible for transporting individuals in need of initial assessment, emergency detention or protective custody from the initial point of contact to the nearest facility, as defined in Section 1-103 of this title, within a ~~thirty (30) mile~~ thirty-mile radius of the peace officer's operational headquarters. If transportation is needed within the thirty-mile radius, the law enforcement agency that made the initial contact within its jurisdiction shall be responsible for transporting the individual inside the thirty-mile radius. If there is not a facility within a ~~thirty (30) mile~~ thirty-mile radius of the peace officer's operational headquarters, transportation to a facility shall be completed by either the Department of Mental Health and Substance Abuse Services or an entity contracted by the Department for alternative transportation. For purposes of this section, "initial contact" is defined as contact with an individual in need of assessment, emergency detention or protective custody made by a law enforcement officer. Initial contact in this section does not include an individual self-presenting at a facility as defined in Section 1-103 of this title. For patients who self-present and consent to voluntary transport to a facility for inpatient treatment, arranging transportation of these patients shall be the responsibility of the facility receiving the patient or the patient may arrange other alternative transportation. For patients that self-present and are determined to be a person requiring treatment, as defined by Section 1-103 of this title, arranging transportation of these patients shall be the responsibility of the facility receiving the patient. The transportation requirements provided for

in this subsection shall be considered complete once a connection has been made with staff of the health care facility and it is apparent the patient is not presenting a clear or immediate threat to the safety of the staff of the receiving facility. Once custody of the individual is transferred to the appropriate health care facility staff, transporting law enforcement shall not be required to remain onsite with the individual pending initial assessment.

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

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

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

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

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

services established by this section provided the third party meets minimum standards as determined by the Department.

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

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

Passed the House of Representatives the 12th day of May, 2022.

Presiding Officer of the House
of Representatives

Passed the Senate the 27th day of April, 2022.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____