

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 58th Legislature (2022)

4 ENGROSSED SENATE
5 BILL NO. 626

By: Bullard of the Senate

and

Randleman of the House

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9 An Act relating to students; allowing the parent or
10 legal guardian of a student to disclose to a school
11 whether the student has received certain mental
12 health services from certain facility within certain
13 time period; defining term; requiring designated
14 school personnel to hold certain meeting within
15 certain time period after disclosure to determine
16 whether accommodations are needed; requiring certain
17 disclosure to comply with certain acts; providing for
18 promulgation of rules; amending 43A O.S. 2021,
19 Section 5-513, which relates to discharge plans of
20 certain minors; requiring certain notification upon
21 discharge of minor from certain treatment; providing
22 for codification; providing an effective date; and
23 declaring an emergency.

24 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 3-169 of Title 70, unless there
is created a duplication in numbering, reads as follows:

A. Beginning with the 2023-2024 school year, prior to
enrollment the parent or legal guardian of a student may disclose to

1 the student's resident district, as determined by Section 1-113 of
2 Title 70 of the Oklahoma Statutes, if the student has received
3 inpatient or emergency outpatient mental health services from a
4 mental health facility in the previous twenty-four (24) months. For
5 the purposes of this section, "mental health facility" shall have
6 the same meaning as Section 5-502 of Title 43A of the Oklahoma
7 Statutes.

8 B. If a disclosure provided for in subsection A of this section
9 occurs, designated school personnel shall meet with the parent or
10 legal guardian of the student and representatives of the mental
11 health facility prior to enrollment to determine whether the student
12 is in need of any accommodations including but not limited to an
13 individualized education program (IEP) in accordance with the
14 Individuals with Disabilities Education Act (IDEA) or a Section 504
15 Plan as defined by the Rehabilitation Act of 1973. The meeting
16 required by this section may take place in person, via
17 teleconference, or via videoconference.

18 C. The disclosure and subsequent handling of personal health
19 information and related student education records pursuant to this
20 section shall comply with the Family Educational Rights and Privacy
21 Act of 1974 (FERPA) and the Health Insurance Portability and
22 Accountability Act of 1996 (HIPAA).

23 D. The State Board of Education shall promulgate rules to
24 implement the provisions of this section.

1 SECTION 2. AMENDATORY 43A O.S. 2021, Section 5-513, is
2 amended to read as follows:

3 Section 5-513. A. Within ten (10) days after the admission of
4 a minor for inpatient treatment, the person in charge of the
5 facility in which the minor is being treated shall ensure that an
6 individualized treatment plan has been prepared by the person
7 responsible for the treatment of the minor. The minor shall be
8 involved in the preparation of the treatment plan to the maximum
9 extent consistent with the ability of the minor to understand and
10 participate. The parent or legal custodian of the minor or, if the
11 minor is in the custody of the Department of Human Services or the
12 Office of Juvenile Affairs, the designated representative of the
13 applicable agency, shall be involved to the maximum extent
14 consistent with the treatment needs of the minor.

15 B. The facility shall discharge the minor when appropriate
16 facility medical staff determine the minor no longer meets the
17 admission or commitment criteria. If not previously discharged, a
18 minor committed by a court for inpatient treatment shall be
19 discharged upon the expiration of a court order committing the minor
20 for inpatient treatment or an order of the court directing the
21 discharge of the minor.

22 C. Prior to the discharge of the minor from inpatient
23 treatment, a discharge plan for the minor shall be prepared and
24 explained to the minor and the parent or the person responsible for

1 the supervision of the case. The plan shall include, but not be
2 limited to:

3 1. The services required by the minor in the community to meet
4 the needs of the minor for treatment, education, housing, and
5 physical care and safety;

6 2. Identification of the public or private agencies that will
7 be involved in providing treatment and support to the minor;

8 3. Information regarding medication which should be prescribed
9 to the minor; and

10 4. An appointment for follow-up outpatient treatment and
11 medication management.

12 D. Upon the discharge of the minor from inpatient treatment, a
13 designee of the facility shall inform the parent or person
14 responsible for the supervision of the case of the importance of
15 disclosing the mental health needs of the minor to the minor's
16 resident school district as provided for in Section 1 of this act
17 including disclosure in whole or in part of the minor's discharge
18 plan prepared pursuant to subsection C of this section as
19 appropriate and consistent with applicable law.

20 SECTION 3. This act shall become effective July 1, 2022.

21 SECTION 4. It being immediately necessary for the preservation
22 of the public peace, health, or safety, an emergency is hereby
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1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.
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4 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 04/12/2022
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