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April 11, 2022

COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
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 last 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 completed; providing for codification; and providing an effective date.

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

1 Department from appropriations or other monies directed to the fund.  
2 All monies accruing to the credit of the fund are hereby  
3 appropriated and may be budgeted and expended by the Department to  
4 carry out the provisions provided for in Section 1-110 of Title 43A  
5 of the Oklahoma Statutes. Expenditures from the fund shall be made  
6 upon warrants issued by the State Treasurer against claims filed as  
7 prescribed by law with the Director of the Office of Management and  
8 Enterprise Services for approval and payment.

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

12 Section 1-110. A. Sheriffs and peace officers may utilize  
13 telemedicine, when such capability is available and is in the  
14 possession of the local law enforcement agency, to have a person  
15 whom the officer reasonably believes is a person requiring  
16 treatment, as defined in Section 1-103 of this title, assessed by a  
17 licensed mental health professional employed by or under contract  
18 with a facility operated by, certified by or contracted with the  
19 Department of Mental Health and Substance Abuse Services. To serve  
20 the mental health needs of persons of their jurisdiction, peace  
21 officers shall be responsible for transporting individuals in need  
22 of initial assessment, emergency detention or protective custody  
23 from the initial point of contact to the nearest facility, as  
24 defined in Section 1-103 of this title, within a ~~thirty (30) mile~~

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

23 B. A municipal law enforcement agency shall be responsible for  
24 transportation as provided in this act for any individual found

1 within such municipality's jurisdiction. The county sheriff shall  
2 be responsible for transportation as provided in this act for any  
3 individual found outside of a municipality's jurisdiction, but  
4 within the county.

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

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

21 E. Any transportation provided by a sheriff or deputy sheriff  
22 or a peace officer on behalf of any county, city, town or  
23 municipality of this state, to or from any facility for the purpose  
24 of initial assessment, admission, interfacility transfer, medical

1 treatment or court appearance shall be reimbursed in accordance with  
2 the provisions of the State Travel Reimbursement Act.

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

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

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

15 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY  
16 April 11, 2022 - DO PASS AS AMENDED  
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