

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

HOUSE BILL 2864

By: Wallace

AS INTRODUCED

An Act relating to mental health; creating the Mental Health Transport Revolving Fund; establishing fund characteristics; authorizing expenditure of funds; providing procedures for expenditures; amending 43A O.S. 2021, Section 1-110, 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; defining term; 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 Department from appropriations or other monies directed to the fund.

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

8 SECTION 2. AMENDATORY 43A O.S. 2021, Section 1-110, is  
9 amended to read as follows:

10 Section 1-110. A. Sheriffs and peace officers may utilize  
11 telemedicine, when such capability is available and is in the  
12 possession of the local law enforcement agency, to have a person  
13 whom the officer reasonably believes is a person requiring  
14 treatment, as defined in Section 1-103 of this title, assessed by a  
15 licensed mental health professional employed by or under contract  
16 with a facility operated by, certified by or contracted with the  
17 Department of Mental Health and Substance Abuse Services. To serve  
18 the mental health needs of persons of their jurisdiction, peace  
19 officers shall be responsible for transporting individuals in need  
20 of initial assessment, emergency detention or protective custody  
21 from the initial point of contact to the nearest facility, as  
22 defined in Section 1-103 of this title, within a ~~thirty (30) mile~~  
23 thirty-mile radius of the peace officer's operational headquarters.  
24 If there is not a facility within a ~~thirty (30) mile~~ thirty-mile

1 radius of the peace officer's operational headquarters,  
2 transportation to a facility shall be completed by either the  
3 Department of Mental Health and Substance Abuse Services or an  
4 entity contracted by the Department for alternative transportation.

5 For purposes of this section, "initial contact" is defined as  
6 contact with an individual in need of assessment, emergency  
7 detention or protective custody made by a law enforcement officer.  
8 ~~Initial contact in this section does not include an individual self-~~  
9 ~~presenting at a facility as defined in Section 1-103 of this title.~~

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

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

1 ~~(30) miles must be completed by either the Department of Mental~~  
2 ~~Health and Substance Abuse Services or an entity contracted by the~~  
3 ~~Department for alternative transportation.~~

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

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

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

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

3 SECTION 3. This act shall become effective November 1, 2023.

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