

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 COMMITTEE SUBSTITUTE

4 FOR

5 SENATE BILL 1794

6 By: Stanley

7 COMMITTEE SUBSTITUTE

8 An Act relating to mental health; creating the  
9 Oklahoma Behavioral Health Vacancy Registry Act;  
10 providing short title; defining terms; requiring  
11 establishment of certain behavioral health vacancy  
12 registry; describing registry; requiring registry to  
13 include certain dedicated forensic competency module;  
14 mandating certain participation and reporting;  
15 requiring certain updates and accurate reporting;  
16 providing certain exception; providing certain  
17 construction; allowing access and placement requests  
18 by authorized referral sources; imposing certain  
19 requirements and restrictions on covered facilities;  
20 stating certain grounds for corrective action;  
21 authorizing certain audits and administrative  
22 remedies; directing confidentiality of registry data  
23 and compliance with privacy laws; authorizing certain  
24 public reporting; directing promulgation of rules;  
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 1-111 of Title 43A, unless there  
is created a duplication in numbering, reads as follows:

1       A. This section shall be known and may be cited as the  
2 "Oklahoma Behavioral Health Vacancy Registry Act".

3       B. As used in this section:

4       1. "Available bed" or "available treatment capacity" means a  
5 staffed and operational treatment slot that may be assigned to a  
6 consumer consistent with the covered facility's licensed level of  
7 care and written admission criteria;

8       2. "Covered facility" means a facility, other than a hospital  
9 or hospital-based psychiatric unit, that is licensed or certified in  
10 this state and authorized to accept consumers for:

11           a. emergency detention, protective custody, or assessment  
12 as provided by Sections 1-110 and 5-207 of Title 43A  
13 of the Oklahoma Statutes, or

14           b. court-ordered competency evaluations and competency  
15 restoration services as described in paragraph 3 of  
16 subsection C of this section; and

17       3. "Referral source" means a facility, provider, court, law  
18 enforcement agency, crisis services provider, or other entity  
19 authorized by the Department of Mental Health and Substance Abuse  
20 Services to request placement through the registry created under  
21 this section.

22       C. 1. The Department of Mental Health and Substance Abuse  
23 Services shall establish and maintain a secure, electronic,  
24

1 statewide behavioral health vacancy registry to expedite placements  
2 associated with:

3 a. emergency detention, protective custody, or assessment  
4 as provided by Sections 1-110 and 5-207 of Title 43A  
5 of the Oklahoma Statutes, or

6 b. court-ordered competency evaluations and competency  
7 restoration services as described in paragraph 3 of  
8 this subsection.

9 2. The registry shall provide near real-time information  
10 regarding available beds and available treatment capacity at covered  
11 facilities in this state.

12 3. The registry shall include a dedicated forensic competency  
13 module to support court-ordered competency evaluations and  
14 competency restoration services conducted pursuant to Sections  
15 1175.1 through 1175.6a of Title 22 of the Oklahoma Statutes,  
16 including referrals arising from findings of incompetency to stand  
17 trial and orders for treatment to restore competency, in compliance  
18 with all applicable state laws and any applicable state or federal  
19 consent decree.

20 D. Each covered facility shall participate in the registry and  
21 report, in the manner prescribed by rules promulgated by the Board  
22 of Mental Health and Substance Abuse Services:

23 1. Licensed capacity and staffed capacity;

24 2. Current available beds or available treatment capacity;

1 3. Population served, age range, and level of care;

2 4. Whether the facility accepts placements associated with  
3 emergency detention, protective custody, or assessment as provided  
4 by Sections 1-110 and 5-207 of Title 43A of the Oklahoma Statutes or  
5 court-ordered competency evaluations and competency restoration  
6 services as described in paragraph 3 of subsection C of this  
7 section;

8 5. Admission limitations based on clinical capability or safety  
9 requirements; and

10 6. Contact information for placement coordination available on  
11 a twenty-four-hour basis.

12 E. 1. Covered facilities shall update registry information  
13 upon a material change in availability and at intervals established  
14 by the Board through rule.

15 2. A covered facility shall ensure reported availability  
16 accurately reflects available beds or available treatment capacity  
17 that is staffed and capable of accepting a placement at the time  
18 reported.

19 F. 1. Participation in the registry and compliance with the  
20 requirements of this section by hospitals and hospital-based  
21 psychiatric units shall be voluntary and on an opt-in basis, except  
22 as otherwise required by contract or federal law.

23 2. Nothing in this section shall be construed to expand, limit,  
24 replace, or conflict with a hospital's obligations under the

1 Emergency Medical Treatment and Labor Act (EMTALA). Hospitals  
2 participating in the registry shall remain subject to EMTALA  
3 regardless of registry participation.

4 G. 1. An authorized referral source may access the registry  
5 for placement purposes. The registry shall allow an authorized  
6 referral source to submit a placement request or reservation for an  
7 available bed at a covered facility.

8 2. A covered facility shall respond to a registry placement  
9 request within the time period established by the Board through rule  
10 and shall document acceptance or denial in accordance with rules  
11 promulgated by the Board. A registry reservation confirmed by a  
12 covered facility shall be honored for the time period established by  
13 the Board through rule unless material clinical information changes  
14 or the consumer no longer meets admission criteria.

15 3. A covered facility:

16 a. shall apply its written admission criteria in a  
17 consistent and nondiscriminatory manner, and

18 b. shall not refuse admission of an otherwise appropriate  
19 consumer when the registry shows available treatment  
20 capacity and the consumer meets the facility's stated  
21 admission criteria for placement under Sections 1-110  
22 and 5-207 of Title 43A of the Oklahoma Statutes or  
23 Sections 1175.1 through 1175.6a of Title 22 of the  
24

1 Oklahoma Statutes, except for documented clinical or  
2 safety reasons.

3 4. A pattern or practice of refusals inconsistent with reported  
4 available treatment capacity or stated admission criteria, including  
5 selective acceptance designed to avoid higher-acuity or forensic  
6 consumers, may constitute noncompliance subject to review and  
7 corrective action by the Department under subsection H of this  
8 section.

9 H. 1. The Department may audit registry submissions and  
10 covered facility responses for accuracy, timeliness, and consistency  
11 with admission criteria.

12 2. If the Department determines a covered facility has failed  
13 to report accurately, respond timely, or comply with this section or  
14 rules promulgated pursuant to this section, the Department may  
15 require a corrective action plan and may impose administrative  
16 remedies as provided by law.

17 I. 1. The registry shall not include personally identifiable  
18 consumer health information.

19 2. All registry data collection and use shall comply with  
20 applicable state and federal privacy laws, including the Health  
21 Insurance Portability and Accountability Act of 1996 (HIPAA) and 42  
22 C.F.R., Part 2 as applicable.

23 3. The Department may publish aggregate, de-identified reports  
24 regarding system capacity, utilization, and placement timeliness.

1 J. The Board shall promulgate rules necessary to implement the  
2 provisions of this section including, but not limited to, reporting  
3 standards, update intervals, placement priority standards, queue  
4 management practices, access controls, documentation of denials,  
5 reservation time frames, forensic module standards, and compliance  
6 procedures.

7 SECTION 2. This act shall become effective November 1, 2026.

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