

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 1794

By: Stanley

COMMITTEE SUBSTITUTE

An Act relating to mental health; creating the Oklahoma Behavioral Health Vacancy Registry Act; providing short title; defining terms; requiring establishment of certain behavioral health vacancy registry; describing registry; requiring registry to include certain dedicated forensic competency module; mandating certain participation and reporting; requiring certain updates and accurate reporting; providing certain exception; providing certain construction; allowing access and placement requests by authorized referral sources; imposing certain requirements and restrictions on covered facilities; stating certain grounds for corrective action; authorizing certain audits and administrative remedies; directing confidentiality of registry data and compliance with privacy laws; authorizing certain 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,
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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
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Oklahoma Statutes, except for documented clinical or safety reasons.

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

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

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

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

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

3. The Department may publish aggregate, de-identified reports 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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