STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 2864 By: Wallace

COMMITTEE SUBSTITUTE

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

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

   Section 1-110. A. Sheriffs and peace officers may utilize telemedicine, when such capability is available and is in the possession of the local law enforcement agency, to have a person whom the officer reasonably believes is a person requiring treatment, as defined in Section 1-103 of this title, assessed by a licensed mental health professional employed by or under contract with a facility operated by, certified by or contracted with the Department of Mental Health and Substance Abuse Services. To serve the mental health needs of persons of their jurisdiction, peace officers shall be responsible for transporting individuals in need of initial assessment, emergency detention or protective custody from the initial point of contact to the nearest facility, as defined in Section 1-103 of this title, within a thirty (30) mile thirty-mile radius of the peace officer's operational headquarters.
If there is not a facility within a thirty (30) mile radius of the peace officer's operational headquarters, transportation to the nearest facility shall be completed by either the Department of Mental Health and Substance Abuse Services or an entity contracted by the Department for alternative transportation. For purposes of this section, "initial contact" is defined as contact with an individual in need of assessment, emergency detention or protective custody made by a law enforcement officer. Initial contact in this section does not include an individual self-presenting at a facility as defined in Section 1-103 of this title.

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

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

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

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

F. Nothing in this section shall prohibit a law enforcement
agency or the Department of Mental Health and Substance Abuse
Services from entering into a lawful agreement with any other law
enforcement agency to fulfill the requirements established by this
section or from contracting with a third party to provide the
services established by this section provided the third party meets
minimum standards as determined by the Department.
G. A law enforcement agency shall not be liable for the actions of a peace officer commissioned by the agency when such officer is providing services as a third party pursuant to subsection F of this section outside his or her primary employment as a peace officer.

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