

1 ENGROSSED HOUSE
2 BILL NO. 2864

By: Wallace of the House

and

Bullard of the Senate

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6 An Act relating to mental health; creating the Mental
7 Health Transport Revolving Fund; establishing fund
8 characteristics; authorizing expenditure of funds;
9 providing procedures for expenditures; amending 43A
10 O.S. 2021, Section 1-110, which relates to law
11 enforcement responsibility for transporting persons
12 for mental health services; limiting transportation
13 to certain area under certain condition; requiring
14 transportation responsibility of specified entities;
15 modifying definition; providing for codification; and
16 providing an effective date.

17 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

18 SECTION 1. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 1-110.1 of Title 43A, unless
20 there is created a duplication in numbering, reads as follows:

21 There is hereby created in the State Treasury a revolving fund
22 for the Department of Mental Health and Substance Abuse Services to
23 be designated the "Mental Health Transport Revolving Fund". The
24 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

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

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

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

1 transportation to a the nearest facility shall be completed by
2 either the Department of Mental Health and Substance Abuse Services
3 or an entity contracted by the Department for alternative
4 transportation. For purposes of this section, "initial contact" is
5 defined as contact with an individual in need of assessment,
6 emergency detention or protective custody made by a law enforcement
7 officer. ~~Initial contact in this section does not include an~~
8 ~~individual self-presenting at a facility as defined in Section 1-103~~
9 ~~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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