

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE BILL 1021

By: Worthen

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6 AS INTRODUCED

7 An Act relating to mental health; amending 43A O.S.
8 2011, Section 1-110, as last amended by Section 1,
9 Chapter 374, O.S.L. 2016 (43A O.S. Supp. 2020,
10 Section 1-110), which relates to transportation for
11 mental health services by law enforcement; providing
12 for use of telemedicine; defining term; amending
13 certain responsibility for transport; authorizing
14 agreements for certain services; modifying standards;
15 and providing an effective date.

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

17 SECTION 1. AMENDATORY 43A O.S. 2011, Section 1-110, as
18 last amended by Section 1, Chapter 374, O.S.L. 2016 (43A O.S. Supp.
19 2020, Section 1-110), is amended to read as follows:

20 Section 1-110. A. Sheriffs and peace officers shall utilize
21 telemedicine, when such capability is available, to have a person
22 whom the officer reasonably believes is a person requiring
23 treatment, as defined in Section 1-103 of this title, assessed by a
24 licensed mental health professional employed by or under contract
with a facility operated by or contracted with the Department of
Mental Health and Substance Abuse Services. For the security of the

1 jurisdiction, sheriffs and peace officers shall be responsible for
2 transporting individuals to ~~and from~~ the nearest designated sites
3 site or ~~facilities~~ facility for the purpose of examination,
4 emergency detention, ~~or~~ protective custody and ~~inpatient services,~~
5 upon initial contact. For purposes of this section, "initial
6 contact" shall include, but not be limited to, contact with an
7 individual in need of examination, emergency detention or protective
8 custody made by a law enforcement officer. Initial contact in this
9 section does not include an individual self-presenting at a
10 hospital, medical or mental health treatment center or crisis
11 center.

12 B. A municipal law enforcement agency shall be responsible for
13 any individual found within such municipality's jurisdiction. The
14 county sheriff shall be responsible for any individual found outside
15 of a municipality's jurisdiction, but within the county.

16 C. ~~The law enforcement agency transporting an individual to and~~
17 ~~from designated sites or facilities pursuant to the provisions of~~
18 ~~this section shall maintain responsibility for the transportation of~~
19 ~~such individual pending completion of the examination, emergency~~
20 ~~detention, protective custody and inpatient services~~ Once an
21 individual has either been presented to a treatment facility by a
22 transporting law enforcement officer or has self-presented, the
23 Department of Mental Health and Substance Abuse Services shall be
24 responsible for any subsequent transportation of such individual

1 pending completion of the examination, emergency detention,
2 protective custody or inpatient services.

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

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

14 F. Nothing in this section shall prohibit a law enforcement
15 agency or the Department of Mental Health and Substance Abuse
16 Services from entering into a lawful agreement with any other law
17 enforcement agency to fulfill the requirements established by this
18 section or from contracting with a third party to provide the
19 services established by this section provided the third party meets
20 minimum standards as determined by the Department. ~~Standards~~
21 ~~determined by the Department shall not exceed the standards required~~
22 ~~by law enforcement.~~

23 G. A law enforcement agency shall not be liable for the actions
24 of a peace officer commissioned by the agency when such officer is

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 2. This act shall become effective November 1, 2021.

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5 58-1-5945 CMA 12/17/20

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