

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 HOUSE BILL 4106

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6 AS INTRODUCED

7 An Act relating to schools; requiring school
8 districts to maintain protocol for responding to
9 students in mental health crisis; mandating
10 partnership with certain providers to develop,
11 maintain, and implement protocol; prescribing
12 provider requirements; listing minimum requirements
13 for protocol inclusion; requiring parental
14 notification if certain student is a minor; mandating
15 parental consent except in emergencies; prescribing
16 compliance with certain federal laws; providing for
17 ready access and regular training on protocol;
18 requiring working agreement between the school
19 district and provider; providing for review of
20 protocol effectiveness; establishing frequency for
21 review and consideration of updates; directing
22 submission of protocol to Department of Mental Health
23 and Substance Abuse Services and the State Department
24 of Education; authorizing agencies to provide
revisions to protocol; directing agencies to provide
technical assistance; providing for codification;
providing an effective date; and declaring an
emergency.

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 24-159 of Title 70, unless there
is created a duplication in numbering, reads as follows:

1 A. Each public school district shall maintain a protocol for
2 responding to students in mental health crisis with the goal of
3 preventing student suicide, self-harm, and harm to others.

4 1. The protocol shall be developed, maintained, and implemented
5 in partnership with one or more local mental health treatment
6 providers certified by the Department of Mental Health and Substance
7 Abuse Services. At least one provider partner shall have:

8 a. the ability to serve all school-aged children
9 regardless of insurance status, and

10 b. the ability and certification to provide mental health
11 crisis services in the region where students attend
12 school.

13 2. Any organization certified by the state as a community
14 mental health center as defined in Section 3-302 of Title 43A of the
15 Oklahoma Statutes or a Certified Community Behavioral Health Clinic
16 (CCBHC) shall serve as a school partner if requested by a school
17 district located in its state-designated service area.

18 B. The protocol for responding to mental health crises shall,
19 at a minimum:

20 1. Provide a definition of mental health crisis involving
21 potential for harm to self or others;

22 2. Document how mental health crises may be identified by
23 school administrators, teachers, support employees, and school-based
24 mental health professionals;

1 3. Outline nonpunitive steps to safeguard student health and
2 safety in response to an immediate or potential mental health
3 crisis;

4 4. Identify local treatment providers and resources available
5 to support students and families in mental health crisis, and ensure
6 appropriate referrals to treatment;

7 5. Outline a process for ensuring parent and caregiver
8 notification and involvement during an actual or potential mental
9 health crisis; and

10 6. Document how student privacy will be protected in compliance
11 with applicable state and federal laws.

12 C. If a student who is under eighteen (18) years of age is
13 identified as being in or at risk of a mental health crisis, the
14 school shall inform the parent or guardian of the student and offer
15 the treatment referral information contained in the protocol.
16 Parent or guardian consent shall be required for any subsequent
17 action taken by the school as part of the protocol except in cases
18 of immediate and life-threatening danger to self or others.

19 D. All protocols developed by school districts and partner
20 organizations shall comply with the Health Insurance Portability and
21 Accountability Act (HIPAA) of 1996 and Family Educational Rights and
22 Privacy Act (FERPA) privacy requirements.

1 E. School administrators, teachers, support employees, and
2 school-based mental health providers shall be provided ready access
3 to and regular training on the protocol.

4 F. A working agreement shall be signed by the board of
5 education of the school district and each identified mental health
6 provider partner outlining all obligations of the parties under the
7 established protocol and a strategy for regularly reviewing its
8 effectiveness using anonymous, nonidentifiable data.

9 G. Not less than every two (2) years, the school district and
10 its mental health provider partners shall jointly review the
11 protocol and working agreements and consider any updates necessary
12 to better meet the needs of students. School districts and mental
13 health provider partners shall include in their review process
14 information gathered from the Oklahoma Prevention Needs Assessment
15 Survey or a comparable survey.

16 H. Each school district shall submit the latest protocol and
17 working agreements to the Department of Mental Health and Substance
18 Abuse Services and the State Department of Education. These
19 agencies may require revisions to ensure compliance with applicable
20 laws, regulations, and established evidence-based practices.

21 I. The Department of Mental Health and Substance Abuse Services
22 and the State Department of Education shall provide technical
23 assistance to school districts and their provider partners by:
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1 1. Making available an optional template protocol which
2 satisfies the provisions of this section;

3 2. Making available an optional template working agreement
4 which can be adopted by schools and provider partners;

5 3. Providing school districts with lists of local public and
6 private treatment providers eligible to serve as partners in the
7 development and maintenance of a protocol;

8 4. Providing information on any available mental health crisis
9 phone line;

10 5. Making available information on evidence-based practices for
11 meeting the mental health needs of students; and

12 6. Providing ongoing assistance and consultation as requested
13 by a school district.

14 J. The Department of Mental Health and Substance Abuse Services
15 and the State Department of Education may promulgate rules as
16 necessary to ensure compliance with this section.

17 K. Nothing in this section shall be construed to create,
18 establish, expand, reduce, contract, or eliminate any civil
19 liability on the part of any school or school employee.

20 SECTION 2. This act shall become effective July 1, 2022.

21 SECTION 3. It being immediately necessary for the preservation
22 of the public peace, health or safety, an emergency is hereby
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1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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