

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 4106

By: Vancuren

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7 COMMITTEE SUBSTITUTE

8 [schools - protocol for responding to students in
9 mental health crisis - requirements for protocol -
10 protocol to Department of Mental Health and
11 Substance Abuse Services and the State Department
12 of Education - effective date -
13 emergency]

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

17 SECTION 1. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 24-159 of Title 70, unless there
19 is created a duplication in numbering, reads as follows:

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

23 1. The protocol shall be developed, maintained, and implemented
24 in partnership with one or more local mental health treatment

1 providers certified by the Department of Mental Health and Substance
2 Abuse Services. At least one provider partner shall have:

- 3 a. the ability to serve all school-aged children
4 regardless of insurance status, and
- 5 b. the ability and certification to provide mental health
6 crisis services in the region where students attend
7 school.

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

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

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

17 2. Document how mental health crises may be identified by
18 school administrators, teachers, support employees, and school-based
19 mental health professionals;

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

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

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

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

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

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

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

23 F. A working agreement shall be signed by the board of
24 education of the school district and each identified mental health

1 provider partner outlining all obligations of the parties under the
2 established protocol and a strategy for regularly reviewing its
3 effectiveness using anonymous, nonidentifiable data.

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

11 H. Each school district shall submit the latest protocol and
12 working agreements the State Department of Education, which shall
13 share the protocols and agreements with the Department of Mental
14 Health and Substance Abuse Services. These agencies may require
15 revisions to ensure compliance with applicable laws, regulations,
16 and established evidence-based practices.

17 I. The Department of Mental Health and Substance Abuse Services
18 and the State Department of Education shall provide technical
19 assistance to school districts and their provider partners by:

20 1. Making available an optional template protocol which
21 satisfies the provisions of this section;

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

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

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

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

8 6. Providing ongoing assistance and consultation as requested
9 by a school district.

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

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

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

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

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