

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL 626

By: Bullard of the Senate

and

Randleman of the House

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9 COMMITTEE SUBSTITUTE

10 An Act relating to students; allowing the parent or
11 legal guardian of a student to disclose to a school
12 whether the student has received certain mental
13 health services from certain facility within certain
14 time period; defining term; requiring designated
15 school personnel to hold certain meeting within
16 certain time period after disclosure to determine
17 whether accommodations are needed; requiring certain
18 disclosure to comply with certain acts; providing for
19 promulgation of rules; amending 43A O.S. 2021,
20 Section 5-513, which relates to discharge plans of
21 certain minors; requiring certain notification upon
22 discharge of minor from certain treatment; providing
23 for codification; providing an effective date; and
24 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 3-169 of Title 70, unless there
is created a duplication in numbering, reads as follows:

1 A. Beginning with the 2023-2024 school year, prior to
2 enrollment the parent or legal guardian of a student may disclose to
3 the student's resident district, as determined by Section 1-113 of
4 Title 70 of the Oklahoma Statutes, if the student has received
5 inpatient or emergency outpatient mental health services from a
6 mental health facility in the previous twenty-four (24) months. For
7 the purposes of this section, "mental health facility" shall have
8 the same meaning as Section 5-502 of Title 43A of the Oklahoma
9 Statutes.

10 B. If a disclosure provided for in subsection A of this section
11 occurs, designated school personnel shall meet with the parent or
12 legal guardian of the student and representatives of the mental
13 health facility prior to enrollment to determine whether the student
14 is in need of any accommodations including but not limited to an
15 individualized education program (IEP) in accordance with the
16 Individuals with Disabilities Education Act (IDEA) or a Section 504
17 Plan as defined by the Rehabilitation Act of 1973. The meeting
18 required by this section may take place in person, via
19 teleconference, or via videoconference.

20 C. The disclosure and subsequent handling of personal health
21 information and related student education records pursuant to this
22 section shall comply with the Family Educational Rights and Privacy
23 Act of 1974 (FERPA) and the Health Insurance Portability and
24 Accountability Act of 1996 (HIPAA).

1 D. The State Board of Education shall promulgate rules to
2 implement the provisions of this section.

3 SECTION 2. AMENDATORY 43A O.S. 2021, Section 5-513, is
4 amended to read as follows:

5 Section 5-513. A. Within ten (10) days after the admission of
6 a minor for inpatient treatment, the person in charge of the
7 facility in which the minor is being treated shall ensure that an
8 individualized treatment plan has been prepared by the person
9 responsible for the treatment of the minor. The minor shall be
10 involved in the preparation of the treatment plan to the maximum
11 extent consistent with the ability of the minor to understand and
12 participate. The parent or legal custodian of the minor or, if the
13 minor is in the custody of the Department of Human Services or the
14 Office of Juvenile Affairs, the designated representative of the
15 applicable agency, shall be involved to the maximum extent
16 consistent with the treatment needs of the minor.

17 B. The facility shall discharge the minor when appropriate
18 facility medical staff determine the minor no longer meets the
19 admission or commitment criteria. If not previously discharged, a
20 minor committed by a court for inpatient treatment shall be
21 discharged upon the expiration of a court order committing the minor
22 for inpatient treatment or an order of the court directing the
23 discharge of the minor.

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1 C. Prior to the discharge of the minor from inpatient
2 treatment, a discharge plan for the minor shall be prepared and
3 explained to the minor and the parent or the person responsible for
4 the supervision of the case. The plan shall include, but not be
5 limited to:

6 1. The services required by the minor in the community to meet
7 the needs of the minor for treatment, education, housing, and
8 physical care and safety;

9 2. Identification of the public or private agencies that will
10 be involved in providing treatment and support to the minor;

11 3. Information regarding medication which should be prescribed
12 to the minor; and

13 4. An appointment for follow-up outpatient treatment and
14 medication management.

15 D. Upon the discharge of the minor from inpatient treatment, a
16 designee of the facility shall inform the parent or person
17 responsible for the supervision of the case of the importance of
18 disclosing the mental health needs of the minor to the minor's
19 resident school district as provided for in Section 1 of this act
20 including disclosure in whole or in part of the minor's discharge
21 plan prepared pursuant to subsection C of this section as
22 appropriate and consistent with applicable law.

23 SECTION 3. This act shall become effective July 1, 2022.

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1 SECTION 4. It being immediately necessary for the preservation
2 of the public peace, health, or safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

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