

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

SENATE BILL NO. 564

By: Wilkerson

AS INTRODUCED

An Act relating to corrections; amending Section 50, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1998, Section 987.12), which relates to medical expenditures for community sentencing; limiting rates the Department of Corrections may pay for medical services; limiting certain liability to pay for certain services charged at rates above Medicaid fee schedules; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 50, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1998, Section 987.12), is amended to read as follows:

Section 987.12 A. Any person sentenced to a community punishment pursuant to the provisions of the Oklahoma Community Sentencing Act shall not be deemed an inmate, nor shall the person be considered to be in the custody of the Department of Corrections, nor shall the person require processing through the Lexington Reception and Assessment Center. Persons sentenced to community punishment pursuant to the applicable state sentencing matrix or otherwise as authorized by law, shall be in community custody within the county.

B. Except as otherwise specifically provided by law, persons sentenced to a community punishment shall not have medical or dental expenses paid by the Department of Corrections or reimbursed by the Community Sentencing Division. Each local community sentencing system shall be required to budget for minor required medical or dental expenses for persons participating in the local system. The

local system shall request a medical or dental co-payment for any medical or dental services delivered to offenders sentenced to a community punishment.

C. The local administrator may request the Community Sentencing Division within the Department of Corrections to provide emergency medical assistance to a local community sentencing system or to an individual offender when the emergency is beyond the budget of the local system. When a request for emergency medical services is made, the Division shall negotiate the necessary medical assistance through an appropriate state agency on a case-by-case basis.

D. Any felony offender requiring extensive medical treatment or services relating to confinement, which is a court-ordered part of a community sentence pursuant to the authority of the applicable state sentencing matrix, may be transferred to the Department of Corrections for appropriate treatment upon order of the court. The offender shall be returned to the local system following the necessary medical treatment or upon completion of the sentence.

E. 1. The state will pay ~~all~~ required medical expenses while a person is incarcerated in the county jail, subject to the provisions of subsection F of this section, provided the state has the obligation to pay for the term of incarceration pursuant to the provisions of ~~this act~~ the Oklahoma Community Sentencing Act. For persons sentenced under the authority of Field 2 or Field 3 punishment levels of the matrices, the state will pay required medical expenses for a maximum of one (1) year while incarcerated in the county jail. If the sentencing judge under the authority of Field 2 or Field 3 punishment levels orders any term of imprisonment less than one (1) year, the state will pay required medical expenses for up to a total of one (1) year for incarceration and disciplinary jail sanctions combined.

2. The state will pay up to a maximum of thirty (30) days on required medical expenses while a person is incarcerated in the

county jail pursuant to Field 4 punishment levels of the state's sentencing matrix, and this shall be only for required medical expenses occurring during periods of disciplinary sanction in the county jail.

F. The Department of Corrections shall not pay fees for medical or dental care or treatment provided to eligible offenders in excess of the rates established for Medicaid providers. The state shall not be liable for medical and dental charges in excess of the Medicaid scheduled rate.

SECTION 2. This act shall become effective July 1, 1999.

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

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