

STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

HOUSE BILL HB2242:

Gilbert

AS INTRODUCED

An Act relating to mental health; requiring reimbursement by the Department of Mental Health and Substance Abuse Services to counties under certain circumstances; providing for use of funds; restricting payment of fees; limiting liability for costs; providing for codification; and providing an effective date.

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 4-207 of Title 43A, unless there is created a duplication in numbering, reads as follows:

A. Any county which is ordered by a court to retain an individual pursuant to Section 1175.3 of Title 22 of the Oklahoma Statutes shall contact the Department of Mental Health and Substance Abuse Services for the scheduling of an evaluation and a treatment plan within seventy-two (72) hours upon receipt of the order for treatment or evaluation.

B. 1. The Department shall reimburse any county which is required to retain an individual pursuant to Section 1175.3 of Title 22 of the Oklahoma Statutes in an amount not to exceed the current rate of reimbursement of the Department of Corrections pursuant to Section 38 of Title 57 of the Oklahoma Statutes and the cost of medications for each individual during the period of retention prior to evaluation by the Department which exceeds the seventy-two-hour period.

2. The proceeds of the reimbursement shall be used to defray expenses of equipping and maintaining the jail and payment of personnel.

C. The Department shall also reimburse the county for the emergency medical care for physical injury or illness of the inmate retained under this section if the injury or illness is directly related to the incarceration and the county is required by law to provide such care for inmates in the jail.

D. The Department shall not pay fees for medications and medical care in excess of the rates established for Medicaid providers by the Oklahoma Health Care Authority. The Department may provide the proper medications to the county instead of reimbursing the county for medications. The state or county shall not be liable for medications or medical charges in excess of the Medicaid scheduled rate.

SECTION 2. This act shall become effective November 1, 2004.

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