

ENROLLED SENATE  
BILL NO. 1842

By: Laster of the Senate

and

Sullivan and Jackson of  
the House

An Act relating to jails; creating the Medical Services Responsibility and Jail Custody Task Force; defining scope of study; establishing items for consideration; providing for membership, appointment, meetings, vacancies, travel expenses, subcommittees, cochairs, and duration of task force; directing staffing and agency cooperation; requiring certain written report by certain time; making certain laws and rules applicable to certain public trusts and private management entities; criminalizing certain failure to comply with certain laws and rules; requiring certain provisions in jail management contracts; construing effect of certain provisions; providing for codification; providing for noncodification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

A. There is hereby created the Medical Services Responsibility and Jail Custody Task Force. The task force shall study how emergency medical care and routine medical services including treatment for preexisting conditions are best delivered to and expensed for the following persons:

1. Persons arrested or detained for an alleged crime;
2. Persons taken into custody by a law enforcement officer for an alleged crime, but not received into the physical custody of a jail facility;
3. Persons held in the physical custody of a jail as a result of a criminal conviction or pending disposition of a criminal case; and
4. Persons coming into contact with a law enforcement officer and not arrested, detained or taken into custody for any crime.

B. The study shall include, but shall not be limited to, consideration of the following:

1. At what point is a person considered detained, arrested, or taken into custody by a law enforcement officer for the purpose of meeting the duty to obtain medical services for injured or ill prisoners?

2. How can a hospital or other medical provider reasonably know when a person has been legally detained, arrested, or taken into custody by a law enforcement officer for the purpose of receiving payments and reimbursements for medical services rendered to prisoners?

3. What is the extent of the duty of a law enforcement officer or jail operator to obtain medical services for routine, life-threatening, and preexisting conditions for persons described in this study, and the responsibility to pay the costs of such services?

4. At what point is a person, jail contractor, sheriff, county, municipality, and hospital or other medical provider, liable, separately or jointly, for the costs of emergency medical care or medical services for preexisting conditions of persons described in this study?

5. How can a hospital, medical provider or jail operator best deliver medical services for preexisting conditions to persons described in this study and collect costs?

6. What definition or criteria can be used to establish the existence of a preexisting condition?

7. Who is legally and financially responsible for medical services rendered for a preexisting condition for persons described in this study?

8. What methods exist or are needed for a jail contractor, sheriff, county, municipality, and hospital or other medical provider to assess and collect costs and reimbursements for emergency medical care and medical services for preexisting conditions for person described in this study?

9. How can a jail operator, hospital or other medical provider determine and equitably allocate costs for emergency medical care and medical services for preexisting conditions to persons described in this study when such persons are indigent?

10. What methods exist or are needed to determine whether a person who has been arrested, detained or taken into custody by a law enforcement officer or jail is indigent for purposes of assessing and collecting medical costs and co-payments?

11. How can the state, county, municipality and hospitals adequately fund medical care and services to persons described in this study?

12. How can the state, county and municipality protect jails, local and regional hospitals, and other medical providers from rising medical costs incurred for persons described in this study?

13. What changes to law, policy or practices are recommended to equitably address emergency medical care, medical services for preexisting conditions, nonemergency medical care, and other medical issues for persons described in this study?

C. The task force shall be composed of seventeen (17) members appointed as follows:

1. One member shall be a county commissioner from a county whose jail is owned by a public trust or managed by a private jail contractor. Such member shall be appointed by the Speaker of the House of Representatives;

2. One member shall be a county commissioner from a county whose jail is owned and operated by the county. Such member shall be appointed by the President Pro Tempore of the Senate;

3. One member shall be the sheriff of a county whose jail is directly managed by such sheriff. Such sheriff shall be appointed by the Speaker of the House of Representatives;

4. One member shall be the sheriff of a county whose jail is under a private management contract. Such sheriff shall be appointed by the President Pro Tempore of the Senate;

5. One member shall be a representative of a municipality within a county having a population under sixty thousand (60,000) persons. Such member shall be appointed by the Speaker of the House of Representatives;

6. One member shall be a representative of a municipality within a county having a population over sixty thousand (60,000) persons. Such member shall be appointed by the President Pro Tempore of the Senate;

7. Two members shall be representatives of urban hospitals. One member shall be appointed by the Speaker of the House of Representatives and one member shall be appointed by the President Pro Tempore of the Senate from a list of names submitted by the statewide association of urban and rural hospitals;

8. Two members shall be representatives of rural hospitals. One member shall be appointed by the Speaker of the House of Representatives and one member shall be appointed by the President Pro Tempore of the Senate from a list of names submitted by the statewide association of urban and rural hospitals;

9. One member shall be a representative of a Level One Trauma Center. Such member shall be appointed by the Commissioner of Health;

10. One member shall be a representative of a critical access hospital. Such member shall be appointed by the Commissioner of Health;

11. One member shall be a physician with experience in delivering emergency medical care in a hospital emergency room. Such member shall be appointed by the Commissioner of Health;

12. Two members shall be representatives of the Oklahoma State Senate. Such members shall be appointed by the President Pro Tempore of the Senate; and

13. Two members shall be representatives of the Oklahoma House of Representatives. Such members shall be appointed by the Speaker of the House of Representatives.

D. All task force members shall be appointed on or before July 1, 2006. Vacancies in membership shall be filled as provided for the original appointment. Members of the task force shall receive no compensation for serving on the task force, but may be reimbursed for necessary travel expenses by the appointing authority as provided in the State Travel Reimbursement Act. The task force may designate subcommittees as needed to complete its study.

E. The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each select a chair from their respective appointments. The two chairs shall serve as cochairs of the task force. The first meeting of the task force shall be held on or before August 1, 2006, at the call of the cochairs. The task force may continue meeting as determined by the cochairs until January 1, 2007. The Legislative staff shall provide staff assistance to the task force. All state, county and municipal agencies are directed to cooperate in providing information to the task force as necessary to complete this study.

F. A written report of the task force study and recommendations shall be prepared and submitted to the President Pro Tempore of the Senate and the Speaker of the House of Representatives by December 15, 2006.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 513.2 of Title 19, unless there is created a duplication in numbering, reads as follows:

A. For purposes of any jail facility, holding facility or detention center, every reference in statute or rule to any duty or responsibility imposed upon the sheriff or any jailer to operate, manage or provide any service to any person in the custody of such facility or any service related to the management or operation of such facility shall be deemed applicable to and imposed upon the public trust or private owner or management entity who by contract or otherwise legally operates or manages such jail facility, holding facility or detention facility.

B. It is unlawful for any public trust, private owner or management entity contracting to operate or manage any jail facility, holding facility or detention center to fail to comply

with the provisions of any statute or rule relating to duties and responsibilities required to operate, manage and provide services to any person in the custody of such facility.

C. Every governmental entity and other authority who contracts for the operation or management of any jail facility, holding facility or detention center with a public trust or any private owner or management entity shall be required to have a provision in such contract requiring compliance with the duties and responsibilities imposed by statute or rule to operate or manage a jail facility, holding facility or detention center.

D. Nothing in this section shall be construed to confer or grant any peace-officer status or peace-officer power to any public trust or private owner or management entity that by contract operates or manages any jail facility, holding facility or detention center, except as may be specifically provided in another provision of law.

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.

Passed the Senate the 19th day of May, 2006.

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Presiding Officer of the Senate

Passed the House of Representatives the 23rd day of May, 2006.

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Presiding Officer of the House  
of Representatives

