

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL NO. 811

By: Laster of the Senate

and

Sullivan of the House

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9 COMMITTEE SUBSTITUTE

10 (county jails - liability for medical costs for

11 person in county jail - effective date -

12 emergency)

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15 SECTION 1. AMENDATORY 19 O.S. 2001, Section 746, is

16 amended to read as follows:

17 Section 746. A. When a defendant is in the custody of a county
18 jail, the custodial county shall only be liable for the cost of
19 medical care for conditions that are not preexisting prior to arrest
20 and that arise due to acts or omissions of the county. Preexisting
21 conditions are defined as those illnesses beginning or injuries
22 sustained before a person is in the peaceable custody of the
23 county's officers.
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1 B. An inmate receiving in pretrial detention or the custody of
2 a county jail shall be provided with the opportunity to receive
3 necessary medical care for a preexisting condition ~~or a condition~~
4 not caused by the acts or omissions of the county and the inmate
5 shall be liable for payment of the cost of such medical care,
6 including, but not limited to, medication, medical treatment, and
7 transportation costs, for or relating to the condition requiring
8 treatment.

9 C. The court shall order medical provider or hospital shall
10 seek payment for all medical care provided for preexisting
11 conditions directly from the offender. In the event there is a
12 dispute between the jail and the medical provider or hospital
13 concerning the existence or extent of a preexisting condition or the
14 liability to pay medical expenses relating to such condition, and
15 the sheriff pays the expense pending a final determination of
16 liability for such medical expense, the court shall order the
17 offender to reimburse the sheriff for all medical care and treatment
18 for preexisting conditions and injuries except for amounts collected
19 pursuant to Section 531 of this title. Nothing in this section
20 shall require a jail to pay disputed medical expenses or expenses
21 for any preexisting condition.

22 SECTION 2. AMENDATORY Section 4, Chapter 319, O.S.L.
23 2003 (19 O.S. Supp. 2006, Section 746.1), is amended to read as
24 follows:

1 Section 746.1 There is hereby created in the State Treasury a
2 revolving fund for the State and Education Employees Group Insurance
3 Board to be designated the "Medical Expense Liability Revolving
4 Fund". The fund shall be a continuing fund, not subject to fiscal
5 year limitations, and shall consist of all monies received from fees
6 assessed pursuant to Section 5 1313.7 of ~~this act~~ Title 20 of the
7 Oklahoma Statutes. All monies accruing to the credit of the fund
8 shall be appropriated and may be budgeted and expended by the State
9 and Education Employees Group Insurance Board for qualified medical
10 expenses for inmates or persons in the custody of a county or city
11 jail pursuant to the criteria set forth in Section 5 1313.7 of ~~this~~
12 ~~act~~ Title 20 of the Oklahoma Statutes. A portion of the Medical
13 Expense Liability Revolving Fund shall be used for the costs the
14 Board incurred in administering such monies.

15 Expenditures from the fund shall be made upon warrants issued by
16 the State Treasurer against claims filed as prescribed by law with
17 the Director of State Finance for approval and payment.

18 SECTION 3. AMENDATORY Section 5, Chapter 319, O.S.L.
19 2003, as amended by Section 1, Chapter 468, O.S.L. 2005 (20 O.S.
20 Supp. 2006, Section 1313.7), is amended to read as follows:

21 Section 1313.7 A. In addition to the fees imposed by Sections
22 1313.2 and 1313.3 of this title, any person convicted of any
23 offense, excluding municipal ordinances, traffic offenses and
24 parking and standing violations, but including violations of Section

1 11-902 of Title 47 of the Oklahoma Statutes, punishable by a fine of
2 Ten Dollars (\$10.00) or more or by incarceration or any person
3 forfeiting bond when charged with such offense, shall be ordered by
4 the court to pay a medical expense liability fee in the amount of
5 Ten Dollars (\$10.00) for each offense to the Medical Expense
6 Liability Revolving Fund provided for in Section 746.1 of Title 19
7 of the Oklahoma Statutes. The fee shall be in addition to and not
8 in substitution for any and all fines and penalties otherwise
9 provided for by law for such offense.

10 B. The county court clerk shall cause to be deposited the
11 amount of Ten Dollars (\$10.00) as collected, for every conviction as
12 described in this subsection. The county court clerk shall remit
13 the monies in the fund on a monthly basis to the Medical Expense
14 Liability Revolving Fund.

15 The monies from the Medical Expense Liability Revolving Fund
16 shall be used when all of the following criteria are met:

17 1. The county has not filed a claim against the fund in the
18 previous twelve (12) months;

19 2. A county jail in this state is determined to be liable for
20 the medical expense or expenses of a state inmate or person in
21 custody on state charges as provided by law. The minimum expense
22 amount that shall qualify for consideration is Eight Thousand
23 Dollars (\$8,000.00) per ailment or injury;

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1 3. The county clerk of the county makes a written claim to the
2 State and Education Employees Group Insurance Board regarding a
3 county medical expense. In addition to the written claim, all of
4 the medical records and bills shall be submitted that relate to the
5 medical expense under consideration; and

6 4. It is determined that the state inmate or person in custody
7 on state charges lacks the ability and resources to cover the
8 medical expense or expenses.

9 C. The Medical Expense Liability Revolving Fund shall not pay
10 any expenses in excess of One Hundred Thousand Dollars (\$100,000.00)
11 per state inmate or person in custody on state charges. The State
12 and Education Employees Group Insurance Board shall pay valid
13 requests for reimbursements ~~in the order in which they are received~~
14 quarterly based upon a pro rata share of available funds being
15 distributed between all valid claims received within the preceding
16 quarter. In the event there are insufficient funds available to pay
17 any outstanding requests, the Board shall pay such requests only
18 after sufficient funds have accumulated. Nothing in this subsection
19 shall be construed to require payment in full of any or all valid
20 claims or the holding of any or all valid claims until sufficient
21 funds have accumulated to pay the claims in full.

22 D. If the state inmate or person in custody on state charges
23 receives any type of compensation or award from a collateral source
24 as a result of the ailment or injury which is paid by the Medical

1 Expense Liability Revolving Fund, the state shall be subrogated to
2 the rights of a claimant to receive or recover from a collateral
3 source to the extent that medical expenses were awarded.

4 SECTION 4. This act shall become effective July 1, 2007.

5 SECTION 5. It being immediately necessary for the preservation
6 of the public peace, health and safety, an emergency is hereby
7 declared to exist, by reason whereof this act shall take effect and
8 be in full force from and after its passage and approval.

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