

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 SENATE BILL 1774

By: Wilson

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6 AS INTRODUCED

7 An Act relating to jails; requiring sheriff to
8 provide access to medical services for prisoners;
9 authorizing certain referrals to certain agencies;
10 requiring acceptance of prisoners by certain
11 facilities for certain medical services; directing
12 sheriff to contract for inpatient and outpatient
13 medical services; providing alternate means to
14 contract for inpatient hospital services; authorizing
15 sheriffs to be included in certain network provider
16 contracts of the Department of Corrections; directing
17 Oklahoma State Education and Employees Group
18 Insurance Board and the Department of Corrections to
19 develop protocols for inclusion in certain medical
20 services contracts; requiring fee for service remain
21 consistent for jails; setting certain reimbursement
22 schedules for certain medical care provider;
23 requiring outpatient medical providers to be initial
24 source of referral, diagnosis and treatment for
certain prisoners; establishing procedure for the
Department of Corrections to accept county jail
prisoners for medical treatment; authorizing certain
referral of county jail prisoner to the Oklahoma
University Medical Center; allowing emergency
hospital use for stabilization; requiring sheriff to
transport and provide certain security; providing for
discharge of prisoner from hospital; requiring
reimbursement for certain medical services by
sheriff; directing certain hospital service to be
without cost; construing time for including jails in
certain network contracts; providing for
codification; and providing an effective date.

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

1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 531.1 of Title 19, unless there
3 is created a duplication in numbering, reads as follows:

4 A. It shall be the responsibility of the county sheriff to
5 provide such medical and surgical inpatient and outpatient care as
6 may be required by prisoners in the custody of the county jail.
7 Each county sheriff may refer to the Oklahoma University Medical
8 Center through the Department of Corrections as provided in this
9 section, and the Oklahoma University Medical Center shall accept,
10 those county jail prisoners who need medical services, as determined
11 by the Department of Corrections, to be beyond the professional
12 capabilities of both the Department of Corrections and the medical
13 contract providers of the referring county jail.

14 B. Each county sheriff shall contract for general inpatient
15 hospital services with a hospital, as defined in Section 1-701 of
16 Title 63 of the Oklahoma Statutes, in closest proximity to the jail
17 which shall be the source of inpatient and emergency medical
18 services for county jail prisoners, or the sheriff may apply with
19 the Department of Corrections to become part of the network of
20 inpatient hospitals developed by, and contracting with, the
21 Department to provide inpatient medical services in conjunction with
22 the Oklahoma State Education Employees Group Insurance Board. The
23 Department and the Oklahoma State Education Employees Group
24 Insurance Board shall develop protocols for inclusion of county

1 jails in the network contract, and for access and payment
2 responsibilities of county jails authorized and participating in the
3 network provider contracts. The negotiated fee for service in the
4 Department network provider contracts shall be the same for
5 participating county jails; provided, that reimbursement will be no
6 less than the fee structure effective January 1, 2007, or the
7 current fee schedule, whichever is greater. Medical care providers
8 that are out-of-network and have contracted with the sheriff to
9 provide inpatient or outpatient medical services or pharmaceuticals
10 shall be reimbursed according to the Oklahoma Medicaid Fee Schedule;
11 provided, that reimbursement shall be no less than the fee structure
12 effective January 1, 2007, or the current fee schedule, whichever is
13 greater.

14 C. Each sheriff shall contract with out-patient medical care
15 providers which shall be the source of initial referrals, and
16 diagnosis and treatment where appropriate for nonemergency medical
17 care for prisoners in the county jail, except when such service may
18 be provided by medical providers at the facility.

19 D. The Department of Corrections shall accept, upon request of
20 the sheriff and with approval by the Medical Director of the
21 Department, those prisoners in the custody of the county jail who
22 are convicted, or pretrial detainees, on a felony offense, and who
23 need medical services, as determined by the Medical Director of the
24 Department of Corrections, to be beyond the professional

1 capabilities of medical services providers contracting with the jail
2 and within the capabilities of the Department to provide. If the
3 Department is unable to accept a referred county jail prisoner due
4 to inability to provide the necessary medical service, the
5 Department shall make the referral of such prisoner to the Oklahoma
6 University Medical Center for medical services.

7 E. When the sheriff determines the medical necessity for
8 emergency hospitalization of a prisoner in the custody of the county
9 jail, an inpatient hospital in close proximity to the jail shall be
10 used for emergency care and stabilization.

11 F. The sheriff shall be responsible for transporting to, from,
12 and between hospitals and for providing such physical security of
13 county jail prisoner consumers as may be required beyond that
14 security normal to hospital operation. The sheriff shall
15 immediately remove from the hospital those county jail prisoner
16 consumers when discharged by the hospital.

17 G. Medical services provided by the Department of Corrections
18 to any county jail prisoner upon referral by the sheriff and
19 acceptance by the Department shall be reimbursed by the county
20 sheriff, except where the Department is required by law to provide
21 the medical services for the county jail prisoner. Hospital
22 services provided by the Oklahoma University Medical Center to a
23 county jail prisoner upon referral through the Department of
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1 Corrections process shall be without cost to the Department or the
2 county sheriff.

3 H. The provisions of this section for county jails to
4 participate in the Department network contracts for medical services
5 shall become operational the first day after the Oklahoma State
6 Education Employees Group Insurance Board and the Department of
7 Corrections finalize the protocols and contract provisions to allow
8 authorized and participating jails to be included which shall be not
9 later than March 1, 2009.

10 SECTION 2. This act shall become effective November 1, 2008.

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