

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 2573

By: Trebilcock, Ritze,
Smithson, Tibbs and Duncan
of the House

6 and

7 Coffee of the Senate

8
9
10 COMMITTEE SUBSTITUTE

11 [county jails - amending 19 O.S., Section 746 -
12 medical care costs - persons in custody -
effective date]

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

16 SECTION 1. AMENDATORY 19 O.S. 2001, Section 746, as
17 amended by Section 1, Chapter 139, O.S.L. 2008 (19 O.S. Supp. 2009,
18 Section 746), is amended to read as follows:

19 Section 746. A. When a person is in the custody of a county
20 jail, the custodial county shall only be liable for the cost of
21 medical care for conditions that are not preexisting prior to arrest
22 and that arise due to acts or omissions of the county. A
23 preexisting condition is a condition for which the person received
24 medical treatment or advice, or a condition which was diagnosed in

1 the six (6) months preceding the custody of the person by the law
2 enforcement agency. An accidental injury sustained during the six
3 (6) months preceding the custody of that person by the law
4 enforcement agency will also be considered a preexisting condition.

5 B. An inmate in pretrial detention or the custody of a county
6 jail shall be provided with the opportunity to receive necessary
7 medical care for a preexisting condition and the inmate shall be
8 liable for payment of the cost of such medical care including, but
9 not limited to, medication, medical treatment, and transportation
10 costs, for or relating to the condition requiring treatment.

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

23 D. The county jail shall reimburse health care providers for
24 medical care and treatment for inmates according to the Oklahoma

1 Medicaid Fee Schedule unless an agreement between the provider and
2 the county jail is in effect. Without such an agreement, the county
3 jail shall not pay fees for medical care and treatment or be liable
4 for medical charges in excess of the Medicaid scheduled rate.

5 SECTION 2. This act shall become effective November 1, 2010.

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