

1 ENGROSSED HOUSE
2 BILL NO. 2573

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

3
4 and

Coffee of the Senate

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8 (county jails - amending 19 O.S., Section 746 -
9 medical care costs - persons in custody -
10 effective date)
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13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

17 Section 746. A. When a person 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. A
21 preexisting condition is a condition for which the person received
22 medical treatment or advice, or a condition which was diagnosed in
23 the six (6) months preceding the custody of the person by the law
24 enforcement agency. An accidental injury sustained during the six

1 (6) months preceding the custody of that person by the law
2 enforcement agency will also be considered a preexisting condition.

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

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

21 D. The sheriff shall reimburse health care providers for
22 medical care and treatment for inmates in county jails according to
23 the Oklahoma Medicaid Fee Schedule. The sheriff shall not pay fees
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1 for medical care and treatment or be liable for medical charges in
2 excess of the Medicaid scheduled rate.

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

4 Passed the House of Representatives the 9th day of March, 2010.

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7 Presiding Officer of the House of
8 Representatives

9 Passed the Senate the ____ day of _____, 2010.

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Presiding Officer of the Senate

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