

THE HOUSE OF REPRESENTATIVES
Monday, March 1, 2010

House Bill No. 2573

HOUSE BILL NO. 2573 - By: TREBILCOCK AND RITZE of the House and COFFEE of the Senate.

An Act relating to county jails; amending 19 O.S. 2001, Section 746, as amended by Section 1, Chapter 139, O.S.L. 2008 (19 O.S. Supp. 2009, Section 746), which relates to medical care costs for persons in custody; directing sheriff to reimburse health care providers pursuant to the Oklahoma Medicaid Fee Schedule; and providing an effective date.

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

1 SECTION 1. AMENDATORY 19 O.S. 2001, Section 746, as amended by
2 Section 1, Chapter 139, O.S.L. 2008 (19 O.S. Supp. 2009, Section 746), is amended to
3 read as follows:
4 Section 746. A. When a person is in the custody of a county jail, the custodial
5 county shall only be liable for the cost of medical care for conditions that are not
6 preexisting prior to arrest and that arise due to acts or omissions of the county. A
7 preexisting condition is a condition for which the person received medical treatment or
8 advice, or a condition which was diagnosed in the six (6) months preceding the custody of
9 the person by the law enforcement agency. An accidental injury sustained during the six
10 (6) months preceding the custody of that person by the law enforcement agency will also
11 be considered a preexisting condition.

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

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

Comment: EDERIV

15 D. The sheriff shall reimburse health care providers for medical care and treatment
16 for inmates in county jails according to the Oklahoma Medicaid Fee Schedule. The
17 sheriff shall not pay fees for medical care and treatment or be liable for medical charges
18 in excess of the Medicaid scheduled rate.

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

20 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET,
21 dated 02-25-10 · DO PASS, As Coauthored.