

EHB 2573

THE STATE SENATE
Tuesday, March 30, 2010

ENGROSSED

House Bill No. 2573

As Amended

ENGROSSED HOUSE BILL NO. 2573 - By: Trebilcock, Ritze, Smithson,
Tibbs and Duncan of the House and Coffee of the Senate.

(county jails - amending 19 O.S., Section 746 - medical
care costs - persons in custody -
effective date)

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

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

Section 746. A. When a person is in the custody of a county
jail, the custodial county shall only be liable for the cost of
medical care for conditions that are not preexisting prior to arrest
and that arise due to acts or omissions of the county. A
preexisting condition is a condition for which the person received
medical treatment or advice, or a condition which was diagnosed in
the six (6) months preceding the custody of the person by the law
enforcement agency. An accidental injury sustained during the six
(6) months preceding the custody of that person by the law
enforcement agency will also be considered a preexisting condition.

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

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

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

1 SECTION 2. This act shall become effective November 1, 2010.
2 COMMITTEE REPORT BY: COMMITTEE ON HEALTH & HUMAN SERVICES, dated
3 3-25-10 - DO PASS, As Amended and Coauthored.