

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE BILL 705

By: Wilson

4  
5 AS INTRODUCED

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7 An Act relating to jail medical expense; authorizing  
8 certain healthcare contracts for certain persons;  
9 requiring approval by Board of county Commissioners  
10 for certain medical contracts; making certain medical  
11 contracts in addition to other medical services;  
12 construing certain health plan policyholders right to  
13 make certain claims; stating liability for certain  
14 medical expense; authorizing development of and  
15 participation in certain hospital networks; stating  
16 payment schedule for certain hospital services;  
17 providing alternative payment schedules for out-of-  
18 network hospital services; stating responsibility for  
19 certain transportation, security and removal of  
20 certain persons from hospitals; directing development  
21 of mutually beneficial resources by certain agencies;  
22 setting fee schedules; requiring funding and payment  
23 by county for county-related medical services;  
24 allowing conjoint healthcare networks under certain  
conditions; construing effects of certain provisions  
on other provisions of law; providing for  
codification; providing an effective date; and  
declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 52.1 of Title 57, unless there  
is created a duplication in numbering, reads as follows:

1       A. Each sheriff with approval of his or her board of county  
2 commissioners may contract with hospital, medical, pharmaceutical,  
3 and dental providers under the State Education Employees Group  
4 Health Insurance Plan, and/or other health benefit plans, for  
5 hospital, medical, pharmaceutical, and dental services for persons  
6 who require such services at the time the person comes into contact  
7 with a county law enforcement officer, or is placed under arrest for  
8 a state or county offense, or is placed in a county jail for  
9 pretrial detention, or is delivered to the control of any county  
10 authority. Such contracts shall be in addition to hospital,  
11 medical, pharmaceutical, and dental services offered to jail inmates  
12 by the Department of Corrections pursuant to statutory authority,  
13 and in addition to any contract medical or dental services available  
14 on-site to persons in the custody of the county jail. Pursuant to  
15 Section 6060.4a of Title 36 of the Oklahoma Statutes, any hospital,  
16 medical, pharmaceutical, or dental services provided to a health  
17 benefit plan policyholder shall be presumed to be an allowable claim  
18 under the policy, and the policyholder shall be solely responsible  
19 for all payments, copayments, deductibles, or other expenses  
20 incurred in conjunction with such treatment and services whether  
21 these are provided by a network provider or an out-of-network  
22 provider under the health benefit plan, and whether for a  
23 preexisting condition or otherwise. In the event a health benefit

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1 plan policy denies the claim, the person receiving those services  
2 deemed denied shall be liable for the expense.

3 B. The sheriff with approval of his or her board of county  
4 commissioners is authorized to develop a network of inpatient  
5 hospitals, including being allowed to participate in any hospital  
6 network developed by the Department of Corrections pursuant to  
7 Section 627 of Title 57 of the Oklahoma Statutes, to be used for  
8 urgent hospitalization and emergency care and stabilization of jail  
9 inmates or persons who require such services at the time the person  
10 comes into contact with a county law enforcement officer, or is  
11 placed under arrest for a state or county offense, or is placed in a  
12 county jail for pretrial detention, or is delivered to the control  
13 of any county authority. If the sheriff participates in the network  
14 developed by the Department of Corrections, those hospitals that are  
15 in a network established by the Department of Corrections in  
16 conjunction with the Oklahoma State and Education Employees Group  
17 Insurance Board shall be reimbursed according to the fee schedule  
18 for that network; provided, however, reimbursement shall be no less  
19 than the fee structure in effect on January 1, 2007, or the current  
20 fee schedule, whichever is greater. Hospitals that are out-of-  
21 network pursuant to the Oklahoma State and Education Employees Group  
22 Insurance Board shall be reimbursed according to the Oklahoma  
23 Medicaid fee schedule; provided, however, reimbursement shall be no

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1 less than the fee structure in effect on January 1, 2007, or the  
2 current fee schedule, whichever is greater.

3 C. The sheriff or another county official shall be responsible  
4 for transporting to, from, and between hospitals and for providing  
5 the physical security of such consumers as may be required beyond  
6 that security normal to hospital operation. The sheriff shall  
7 immediately remove from the hospital such consumers when discharged  
8 by the hospital.

9 D. Whenever feasible the Oklahoma State and Education Employees  
10 Group Board, the Department of Corrections, and sheriffs and their  
11 respective board of county commissioners, shall develop mutually  
12 beneficial hospital and medical provider networks and pharmaceutical  
13 resources to effect an efficient and cost effective delivery of  
14 necessary and urgent medical services for persons coming into  
15 contact with the criminal justice system in this state, including  
16 its political subdivisions, when such persons require such medical  
17 services. If a new network is established by the board of county  
18 commissioners and not with the Department of Corrections in  
19 conjunction with the Oklahoma State and Education Employees  
20 Insurance Board, the fee schedule shall be negotiated with and  
21 agreed to by the participating hospitals and medical providers or  
22 the providers shall be reimbursed according to the Oklahoma Medicaid  
23 fee; provided, however, the Medicaid fee shall be no less than the  
24 fee structure in effect on January 1, 2007, or the current fee

1 schedule, whichever is greater. Funding and payment for any county-  
2 related services authorized by this section shall be the  
3 responsibility of the board of county commissioners of each county.  
4 Nothing shall preclude any group of counties through their  
5 respective boards of county commissioners from developing conjoint  
6 healthcare networks when participation in a network developed by the  
7 Department of Corrections, the Oklahoma State and Education  
8 Employees Group Insurance Plan, or the development of a separate  
9 network is not feasible or practical.

10 E. Nothing in this section shall be construed to alter, amend  
11 of change any provision of Section 746 of Title 19 of the Oklahoma  
12 Statutes, Section 533 of Title 21 of the Oklahoma Statutes, Section  
13 979a of Title 22 of the Oklahoma Statutes, Section 38.3 of Title 57  
14 of the Oklahoma Statutes, or any other provision of law relating to  
15 a duty to provide medical care, liability for costs, reimbursements  
16 and copayments, preexisting conditions, or a county jail or state  
17 inmate's right to receive urgent medical care.

18 SECTION 2. This act shall become effective July 1, 2009.

19 SECTION 3. It being immediately necessary for the preservation  
20 of the public peace, health and safety, an emergency is hereby  
21 declared to exist, by reason whereof this act shall take effect and  
22 be in full force from and after its passage and approval.

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