

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE BILL NO. 1739

By: Crain of the Senate

and

Biggs of the House

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9 COMMITTEE SUBSTITUTE

10 An Act relating to inmate medical care; amending 19
11 O.S. 2011, Section 746, which relates to liability
12 for costs of inmate medical care; assigning
13 responsibility of medical care costs to persons in
14 custody for preexisting conditions or self-inflicted
15 injuries; clarifying provision relating to disputed
16 medical expenses; amending 21 O.S. 2011, Section 533,
17 which relates to receiving persons into custody;
18 modifying custody procedures for persons in need of
19 emergency medical care; and providing an effective
20 date.

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

22 SECTION 1. AMENDATORY 19 O.S. 2011, Section 746, is
23 amended to read as follows:

24 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

1 preexisting condition is a condition for which the person received
2 medical treatment or advice, or a condition which was diagnosed in
3 the six (6) months preceding the custody of the person by the law
4 enforcement agency. An accidental injury sustained during the six
5 (6) months preceding the custody of that person by the law
6 enforcement agency will also be considered a preexisting condition.

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

13 C. When a person is in custody in a county jail, the person
14 shall be primarily responsible for the payment of the cost of
15 medical care provided to that person for a self-inflicted injury or
16 a condition that was preexisting prior to the arrest of the person,
17 as so determined by the medical staff hired by the county to assess
18 the medical condition of the person, and charged for the medical
19 care by the provider of the care. The medical provider or hospital
20 shall seek payment for all medical care provided for preexisting
21 conditions directly from the ~~offender~~ person.

22 D. In the event there is a dispute between the jail and the
23 medical provider or hospital concerning the existence or extent of a
24 preexisting condition or the liability to pay medical expenses

1 relating to such condition, and the sheriff ~~pay~~ elects to negotiate
2 with the medical provider to pay the disputed expense pending a
3 final determination of liability for such medical expense, the court
4 shall order the offender to reimburse the sheriff for all medical
5 care and treatment for preexisting conditions and injuries except
6 for amounts collected pursuant to Section 531 of this title.
7 Nothing in this section shall require a jail to pay disputed medical
8 expenses or expenses for any preexisting condition.

9 ~~D.~~ E. Unless a contract exists between a hospital and the
10 county for medical care and treatment of inmates in the county jail,
11 a hospital shall accept, as payment in full, reimbursement from the
12 county according to the current fee schedule of the State and
13 Education Employees Group Insurance Board in effect at the time
14 services were rendered; provided that payment of said services is
15 made by the county within forty-five (45) calendar days of
16 submission of a claim by the hospital.

17 SECTION 2. AMENDATORY 21 O.S. 2011, Section 533, is
18 amended to read as follows:

19 Section 533. A. Except as provided in this section and Section
20 979a of Title 22 of the Oklahoma Statutes, for emergency medical
21 treatment for an injury or condition that threatens life or
22 threatens the loss or use of a limb, any peace officer or jail or
23 prison contractor who, in violation of a duty imposed upon the
24 officer or contractor by law or by contract to receive into custody

1 any person as a prisoner, willfully neglects or refuses so to
2 receive such person into custody is guilty of a misdemeanor.

3 B. Except as provided in this section and Section 979a of Title
4 22 of the Oklahoma Statutes, for emergency medical treatment for an
5 injury or condition that threatens life or threatens the loss or use
6 of a limb, any peace officer or jail or prison contractor who, in
7 violation of a duty imposed upon the officer or contractor by law or
8 by contract to fingerprint any person received into custody as a
9 prisoner, willfully neglects or refuses so to fingerprint such
10 person is guilty of a misdemeanor.

11 C. Any person coming into contact with a peace officer prior to
12 being actually received into custody at a jail facility or holding
13 facility, including, but not limited to, during the time of any
14 arrest, detention, transportation, investigation of any incident,
15 accident or crime, who needs emergency medical treatment for an
16 injury or condition that threatens life or threatens the loss or use
17 of a limb, shall be taken directly to a medical facility or hospital
18 for such emergency medical care ~~notwithstanding any duty imposed~~
19 ~~pursuant to this section or any other provision of law to first take~~
20 ~~such person into custody or to fingerprint such person~~ by the
21 arresting agency. After the medical care has been provided, the
22 person shall be released from the medical facility and the arresting
23 agency shall deliver the person to a facility which the sheriff has
24 designated for receiving the person. The responsibility for payment

1 of such emergency medical costs shall be the sole responsibility of
2 the person coming into the officer's contact and shall not be the
3 responsibility of any jail, law enforcement agency, jail or prison
4 contractor, sheriff, peace officer, municipality or county, except
5 when the condition is a direct result of injury caused by such
6 officer acting outside the scope of lawful authority.

7 SECTION 3. This act shall become effective November 1, 2014.

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