

1 **SENATE FLOOR VERSION**

2 February 20, 2013

3 **AS AMENDED**

4 SENATE BILL NO. 376

By: Ballenger of the Senate

and

Armes of the House

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7
8 **[county expenses - Medical Expense Liability
Revolving Fund - effective date -**

9 **emergency]**

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

12 SECTION 1. AMENDATORY 19 O.S. 2011, Section 746.1, as
13 amended by Section 71, Chapter 304, O.S.L. 2012 (19 O.S. Supp. 2012,
14 Section 746.1), is amended to read as follows:

15 Section 746.1. A. There is hereby created in the State
16 Treasury a revolving fund for the State and Education Employees
17 Group Insurance Board to be designated the "Medical Expense
18 Liability Revolving Fund". The fund shall be a continuing fund, not
19 subject to fiscal year limitations, and shall consist of all monies
20 received from fees assessed pursuant to Section 1313.7 of Title 20
21 of the Oklahoma Statutes. All monies accruing to the credit of the
22 fund shall be appropriated and may be budgeted and expended by the
23 State and Education Employees Group Insurance Board for ~~qualified~~:

1 1. Qualified medical expenses for inmates or persons in the
2 custody of a county or city jail pursuant to the criteria set forth
3 in Section 1313.7 of Title 20 of the Oklahoma Statutes; and

4 2. Detention officer training provided by the Oklahoma
5 Sheriff's Association, provided payments to reimburse counties for
6 detention officer training shall not cause the balance of the
7 Medical Expense Liability Fund to fall below One Million Dollars
8 (\$1,000,000.00).

9 B. A portion of the Medical Expense Liability Revolving Fund
10 shall be used for the costs the Board incurred in administering such
11 monies.

12 C. Expenditures from the fund shall be made upon warrants
13 issued by the State Treasurer against claims filed as prescribed by
14 law with the Director of the Office of Management and Enterprise
15 Services for approval and payment.

16 SECTION 2. AMENDATORY 20 O.S. 2011, Section 1313.7, is
17 amended to read as follows:

18 Section 1313.7 A. In addition to the fees imposed by Sections
19 1313.2 and 1313.3 of this title, any person convicted of any
20 offense, excluding municipal ordinances, traffic offenses and
21 parking and standing violations, but including violations of Section
22 11-902 of Title 47 of the Oklahoma Statutes, punishable by a fine of
23 Ten Dollars (\$10.00) or more or by incarceration or any person
24 forfeiting bond when charged with such offense, shall be ordered by

1 the court to pay a medical expense liability fee in the amount of
2 Ten Dollars (\$10.00) for each offense to the Medical Expense
3 Liability Revolving Fund provided for in Section 746.1 of Title 19
4 of the Oklahoma Statutes. The fee shall be in addition to and not
5 in substitution for any and all fines and penalties otherwise
6 provided for by law for such offense.

7 B. The county court clerk shall cause to be deposited the
8 amount of Ten Dollars (\$10.00) as collected, for every conviction as
9 described in this subsection. The county court clerk shall remit
10 the monies in the fund on a monthly basis to the Medical Expense
11 Liability Revolving Fund.

12 ~~The~~ For purposes of paragraph 1 of subsection A of Section 746.1
13 of Title 19 of the Oklahoma Statutes, the monies from the Medical
14 Expense Liability Revolving Fund shall be used when all of the
15 following criteria are met:

16 1. The county has not filed a claim against the fund in the
17 previous twelve (12) months;

18 2. A county jail in this state is determined to be liable for
19 the medical expense or expenses of a state inmate or person in
20 custody on state charges as provided by law. The minimum expense
21 amount that shall qualify for consideration is Eight Thousand
22 Dollars (\$8,000.00) per ailment or injury;

23 3. The county clerk of the county makes a written claim to the
24 State and Education Employees Group Insurance Board regarding a

1 county medical expense. In addition to the written claim, all of
2 the medical records and bills shall be submitted that relate to the
3 medical expense under consideration; and

4 4. It is determined that the state inmate or person in custody
5 on state charges lacks the ability and resources to cover the
6 medical expense or expenses.

7 C. The Medical Expense Liability Revolving Fund shall not pay
8 any expenses in excess of One Hundred Thousand Dollars (\$100,000.00)
9 per state inmate or person in custody on state charges. The State
10 and Education Employees Group Insurance Board shall pay valid
11 requests for reimbursements quarterly based upon a pro rata share of
12 available funds being distributed between all valid claims received
13 within the preceding quarter. In the event there are insufficient
14 funds available to pay any outstanding requests, the Board shall pay
15 such requests only after sufficient funds have accumulated. Nothing
16 in this subsection shall be construed to require payment in full of
17 any or all valid claims or the holding of any or all valid claims
18 until sufficient funds have accumulated to pay the claims in full.

19 D. If the state inmate or person in custody on state charges
20 receives any type of compensation or award from a collateral source
21 as a result of the ailment or injury which is paid by the Medical
22 Expense Liability Revolving Fund, the state shall be subrogated to
23 the rights of a claimant to receive or recover from a collateral
24 source to the extent that medical expenses were awarded.

1 SECTION 3. This act shall become effective July 1, 2013.

2 SECTION 4. It being immediately necessary for the preservation
3 of the public peace, health and safety, an emergency is hereby
4 declared to exist, by reason whereof this act shall take effect and
5 be in full force from and after its passage and approval.

6 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
7 February 20, 2013 - DO PASS AS AMENDED
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