

**COMMITTEE AMENDMENT**

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2795 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by  
inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: David Hardin

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

PROPOSED COMMITTEE  
SUBSTITUTE  
FOR  
HOUSE BILL NO. 2795

By: Hardin (David)

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to counties and county officers;  
amending 19 O.S. 2011, Section 746, which relates to  
liability for inmate medical care in county jails;  
declaring persons primarily responsible for payment  
of medical care; expanding liability exemption for  
medical costs related to self-inflicted injuries;  
deleting certain collection procedures for medical  
providers and hospitals; authorizing counties to seek  
payment or reimbursement from persons held in  
custody; and providing an effective date.

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

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

Section 746. A. When a person is in the custody of a county  
jail, the person shall be primarily responsible for the payment of  
the cost of medical care provided to the person for a self-inflicted  
injury sustained while in the custody of the county jail or a  
condition that was preexisting prior to the arrest of the person and  
shall be charged for the medical care by the provider of care. The

1 custodial county shall only be liable for the cost of medical care  
2 for conditions that are not ~~preexisting~~:

3 1. The result of a self-inflicted injury sustained while in the  
4 custody of a county jail; or

5 2. Preexisting prior to arrest,  
6 and that arise due to acts or omissions of the county.

7 A preexisting condition is a condition for which the person  
8 received medical treatment or advice, or a condition which was  
9 diagnosed in the six (6) months preceding the custody of the person  
10 by the law enforcement agency. An accidental injury sustained  
11 during the six (6) months preceding the custody of that person by  
12 the law enforcement agency will also be considered a preexisting  
13 condition.

14 B. An inmate in pretrial detention or the custody of a county  
15 jail shall be provided with the opportunity to receive necessary  
16 medical care for a self-inflicted injury or a preexisting condition  
17 ~~and the.~~ The inmate shall be primarily liable for payment of the  
18 cost of such medical care including, but not limited to, medication,  
19 medical treatment, and transportation costs, for or relating to the  
20 condition requiring treatment.

21 C. The medical provider or hospital shall seek payment for all  
22 medical care provided for preexisting conditions directly from the  
23 offender. ~~In the event there is a dispute between the jail and the~~  
24 ~~medical provider or hospital concerning the existence or extent of a~~

~~preexisting condition or the liability to pay medical expenses relating to such condition, and the sheriff pays the expense pending a final determination of liability for such medical expense, the court shall order the offender to reimburse the sheriff for all medical care and treatment for preexisting conditions and injuries except for amounts collected pursuant to Section 531 of this title~~  
The custodial county may seek payment or reimbursement from a person being held in custody and receiving medical care and treatment as set forth in Section 979a of Title 22 of the Oklahoma Statutes.  
Nothing in this section shall require a jail or sheriff to pay disputed medical expenses or expenses for any self-inflicted injury or preexisting condition.

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

SECTION 2. This act shall become effective November 1, 2020.

57-2-10975          GRS          02/17/20