

1 ENGROSSED HOUSE
2 BILL NO. 2795

By: Hardin (David), Olsen and
Burns of the House

3 and

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

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

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

21 Section 746. A. When a person is in the custody of a county
22 jail, the person shall be primarily responsible for the payment of
23 the cost of medical care provided to the person for a self-inflicted
24 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.

1 Passed the House of Representatives the 5th day of March, 2020.

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4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2020.

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8 Presiding Officer of the Senate