

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               2nd Session of the 57th Legislature (2020)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2795

By: Hardin (David) and **Olsen** of  
the House

and

**Bergstrom** of the Senate

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11                               COMMITTEE SUBSTITUTE

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

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24                   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

1 the cost of medical care provided to the person for a self-inflicted  
2 injury sustained while in the custody of the county jail or a  
3 condition that was preexisting prior to the arrest of the person and  
4 shall be charged for the medical care by the provider of care. The  
5 custodial county shall only be liable for the cost of medical care  
6 for conditions that are not ~~preexisting~~:

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

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

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

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

1 C. The medical provider or hospital shall seek payment for all  
2 medical care provided for preexisting conditions directly from the  
3 offender. ~~In the event there is a dispute between the jail and the~~  
4 ~~medical provider or hospital concerning the existence or extent of a~~  
5 ~~preexisting condition or the liability to pay medical expenses~~  
6 ~~relating to such condition, and the sheriff pays the expense pending~~  
7 ~~a final determination of liability for such medical expense, the~~  
8 ~~court shall order the offender to reimburse the sheriff for all~~  
9 ~~medical care and treatment for preexisting conditions and injuries~~  
10 ~~except for amounts collected pursuant to Section 531 of this title~~  
11 The custodial county may seek payment or reimbursement from a person  
12 being held in custody and receiving medical care and treatment as  
13 set forth in Section 979a of Title 22 of the Oklahoma Statutes.  
14 Nothing in this section shall require a jail or sheriff to pay  
15 disputed medical expenses or expenses for any self-inflicted injury  
16 or preexisting condition.

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

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

COMMITTEE REPORT BY: COMMITTEE ON COUNTY AND MUNICIPAL GOVERNMENT,  
dated 02/27/2020 - DO PASS, As Amended and Coauthored.