

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

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

4 HOUSE BILL 3558

By: Roe of the House

5 and

6 **Weaver** of the Senate

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8
9 AS INTRODUCED

10 An Act relating to prisons and reformatories;
11 amending 57 O.S. 2011, Section 38.3, which relates to
12 medical care for inmates; deleting exception to
 certain reimbursement requirements; and providing an
 effective date.

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

16 SECTION 1. AMENDATORY 57 O.S. 2011, Section 38.3, is
17 amended to read as follows:

18 Section 38.3 A. As used in this section:

19 1. "Emergency care" means the medical or surgical care
20 necessary to treat the sudden onset of a potentially life- or limb-
21 threatening condition or symptom;

22 2. "Dental emergency" means acute problems in the mouth
23 exhibiting symptoms of pain, swelling, bleeding or elevation of
24 temperature; and

1 3. "Mental health emergency" means a person exhibiting behavior
2 due to mental illness that may be an immediate threat to others or
3 himself or herself that renders the person incapable of caring for
4 himself or herself.

5 B. The Department of Corrections shall reimburse health care
6 providers for medical care and treatment for inmates retained in
7 county jails after a certified copy of a judgment and sentence has
8 been entered pursuant to the provisions of Section 980 of Title 22
9 of the Oklahoma Statutes or pursuant to the provisions of Section
10 988.12 or 991a-2 of Title 22 of the Oklahoma Statutes. Health care
11 providers that are in the network established by the Department of
12 Corrections in conjunction with the State and Education Employees
13 Group Insurance Board shall be reimbursed according to the fee
14 schedule established for that network; ~~provided, that reimbursement~~
15 ~~will be no less than the fee structure that was in effect January 1,~~
16 ~~2007, or the current fee schedule, whichever is greater.~~ Health
17 care providers that are out of network shall be reimbursed according
18 to the Oklahoma Medicaid Fee Schedule; ~~provided, that reimbursement~~
19 ~~shall be no less than the fee structure that was in effect January~~
20 ~~1, 2007, or the current fee schedule, whichever is greater.~~ Prior
21 to obtaining nonemergency care outside the county jail facility,
22 authorization must be received from the Department of Corrections.
23 For any emergency care, dental emergency or mental health emergency
24 care obtained outside the county jail facility, the Department of

1 Corrections must be notified within twenty-four (24) hours. The
2 Department of Corrections is hereby authorized to reject claims if
3 proper notification has not been provided.

4 C. The sheriff shall be responsible for providing and paying
5 for medical, dental and mental health care screening when an inmate
6 is admitted, routine sick calls within the county jail and access to
7 on-site physician services as is routinely provided for all inmates
8 in the custody of the sheriff and as provided by Section 52 of ~~Title~~
9 ~~57 of the Oklahoma Statutes~~ this title.

10 D. The Department of Corrections shall pay the pharmacy
11 provider for medications provided to inmates retained in county
12 jails after a certified copy of a judgment and sentence has been
13 entered pursuant to the provisions of Section 980 of Title 22 of the
14 Oklahoma Statutes or pursuant to the provisions of Section 988.12 or
15 991a-2 of Title 22 of the Oklahoma Statutes. If the pharmacy
16 provider is a Medicaid provider, the pharmacy provider must bill the
17 Department at Medicaid rates. The county jail shall be responsible
18 for paying for any medications that are not listed on the Department
19 of Corrections formulary, unless the county jail receives a written
20 exception from the Department.

21 E. Dental and mental health care shall be provided through the
22 designated host facility of the Department of Corrections for
23 inmates retained in county jails after a certified copy of a
24 judgment and sentence has been entered pursuant to the provisions of

1 Section 980 of Title 22 of the Oklahoma Statutes or pursuant to the
2 provisions of Section 988.12 or 991a-2 of Title 22 of the Oklahoma
3 Statutes. Each county jail is encouraged to work with local
4 community mental health centers to provide necessary medications and
5 emergency services that would be reimbursed pursuant to the
6 provisions of this subsection.

7 F. The sheriff shall be responsible for transportation and
8 security of inmates to all outside health care appointments
9 including host facilities of the Department of Corrections.

10 G. Neither the Department of Corrections nor the sheriff shall
11 be responsible for the cost of health care while an inmate is on
12 escape status or for any injury incurred while on escape status.

13 H. The Department of Corrections shall not be responsible for
14 payment of health care of inmates housed in the county jail under
15 the following circumstances:

16 1. Prior to entry of a certified judgment and sentence pursuant
17 to the provisions of Section 980 of Title 22 of the Oklahoma
18 Statutes;

19 2. When an inmate is detained in the county jail pursuant to a
20 writ of habeas corpus;

21 3. When an inmate is detained in the county jail for additional
22 cases pending after a certified copy of the judgment and sentence
23 has been entered;

1 4. When an inmate is detained in the county jail and his or her
2 status is on hold for another jurisdiction; or

3 5. When an inmate is detained in the county jail and the inmate
4 is sentenced to county jail time only.

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

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7 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
8 02/26/2020 - DO PASS, As Coauthored.
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