

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2795

By: Hardin (David)

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6 AS INTRODUCED

7 An Act relating to counties and county officers;
8 amending 19 O.S. 2011, Section 746, which relates to
9 liability for inmate medical care in county jails;
10 expanding liability exemption for medical costs
11 related to self-inflicted injuries; and providing an
12 effective date.

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

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

16 Section 746. A. When a person is in the custody of a county
17 jail, the custodial county shall only be liable for the cost of
18 medical care for conditions that are not preexisting:

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

20 2. Preexisting prior to arrest and that arise due to acts or
21 omissions of the county.

22 A preexisting condition is a condition for which the person received
23 medical treatment or advice, or a condition which was diagnosed in
24 the six (6) months preceding the custody of the person by the law

1 enforcement agency. An accidental injury sustained during the six
2 (6) months preceding the custody of that person by the law
3 enforcement agency will also be considered a preexisting condition.

4 B. An inmate in pretrial detention or the custody of a county
5 jail shall be provided with the opportunity to receive necessary
6 medical care for a self-inflicted injury or a preexisting condition
7 and the inmate shall be liable for payment of the cost of such
8 medical care including, but not limited to, medication, medical
9 treatment, and transportation costs, for or relating to the
10 condition requiring treatment.

11 C. The medical provider or hospital shall seek payment for all
12 medical care provided for self-inflicted injuries and preexisting
13 conditions directly from the offender. In the event there is a
14 dispute between the jail and the medical provider or hospital
15 concerning the existence or extent of a self-inflicted injury or
16 preexisting condition or the liability to pay medical expenses
17 relating to such injury or condition, and the sheriff pays the
18 expense pending a final determination of liability for such medical
19 expense, the court shall order the offender to reimburse the sheriff
20 for all medical care and treatment for self-inflicted injuries and
21 preexisting conditions and injuries except for amounts collected
22 pursuant to Section 531 of this title. Nothing in this section
23 shall require a jail to pay disputed medical expenses or expenses
24 for any self-inflicted injury or preexisting condition.

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

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

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