

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 HOUSE BILL 1015

 By: Roe

7 AS INTRODUCED

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

12
13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

16 Section 38.3 A. As used in this section:

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

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

23 3. "Mental health emergency" means a person exhibiting behavior
24 due to mental illness that may be an immediate threat to others or

1 himself or herself that renders the person incapable of caring for
2 himself or herself.

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

24

1 Department of Corrections is hereby authorized to reject claims if
2 proper notification has not been provided.

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

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

20 E. Dental and mental health care shall be provided through the
21 designated host facility of the Department of Corrections for
22 inmates retained in county jails after a certified copy of a
23 judgment and sentence has been entered pursuant to the provisions of
24 Section 980 of Title 22 of the Oklahoma Statutes or pursuant to the

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

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

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

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

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

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

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

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

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

3 SECTION 2. This act shall become effective November 1, 2021.
4

5 COMMITTEE REPORT BY: COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS,
6 dated 02/25/2021 - DO PASS.
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24