

1 **SENATE FLOOR VERSION**

2 April 5, 2021

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 1633

By: Hardin (David) of the House

and

Bergstrom of the Senate

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

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

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

23 Section 746. A. When a person is in the custody of a county
24 jail, the person shall be primarily responsible for payment of the
cost of medical care provided to the person for any self-inflicted
injury sustained while in the custody of the county jail or
municipal jail or a condition that was preexisting prior to the

1 arrest of the person. The person shall be charged for the medical
2 care and treatment by the provider of said care. The custodial
3 county or municipality shall only be liable for the cost of medical
4 care for conditions that are:

5 1. Are not the result of a self-inflicted injury sustained
6 while in the custody of a county or municipal jail;

7 2. Are not preexisting prior to arrest and that arise; or

8 3. Arise due to acts or omissions of the county or
9 municipality.

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

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

23 C. The medical provider or hospital shall seek payment for all
24 medical care provided for preexisting conditions directly from the

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

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

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

2 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
3 April 5, 2021 - DO PASS AS AMENDED
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