

1 ENGROSSED HOUSE
2 BILL NO. 1633

By: Hardin (David) of the House

3 and

4 Bergstrom of the Senate

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6
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 stating who is primarily responsible for medical care
11 costs for self-inflicted injuries and preexisting
12 conditions; expanding liability exemption for medical
13 costs related to self-inflicted injuries; removing
14 certain collection procedures for medical providers
15 and hospitals; authorizing counties to seek payment
16 or reimbursement from persons held in custody; and
17 providing an effective date.

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

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

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

1 the provider of said care. The custodial county shall only be
2 liable for the cost of medical care for conditions that ~~are:~~

3 1. Are not the result of a self-inflicted injury sustained
4 while in the custody of a county jail;

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

6 3. Arise due to acts or omissions of the county.

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

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

20 C. The medical provider or hospital shall seek payment for all
21 medical care provided for preexisting conditions directly from the
22 offender. ~~In the event there is a dispute between the jail and the~~
23 ~~medical provider or hospital concerning the existence or extent of a~~
24 ~~preexisting condition or the liability to pay medical expenses~~

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

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

20 SECTION 2. This act shall become effective November 1, 2021.
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1 Passed the House of Representatives the 3rd day of March, 2021.

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4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2021.

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9 Presiding Officer of the Senate