

**SENATE CHAMBER**  
**STATE OF OKLAHOMA**

DISPOSITION

FLOOR AMENDMENT

No. \_\_\_\_\_

\_\_\_\_\_

COMMITTEE AMENDMENT

\_\_\_\_\_

(Date)

Mr./Madame President:

I move to amend House Bill No. 1633, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

\_\_\_\_\_  
Senator Bergstrom

Bergstrom-BG-FS-Req#2111  
4/19/2021 2:23 PM

(Floor Amendments Only) Date and Time Filed: \_\_\_\_\_

Untimely

Amendment Cycle Extended

Secondary Amendment

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 FLOOR SUBSTITUTE  
4 FOR ENGROSSED

5 HOUSE BILL NO. 1633

By: Hardin (David) of the House

and

Bergstrom of the Senate

7  
8  
9 FLOOR SUBSTITUTE

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

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

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

24 Section 746. A. When a person is in the custody of a county  
jail, the person shall be primarily responsible for payment of the  
cost of medical care provided to the person for any intentionally  
self-inflicted injury sustained while in the custody of the county

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

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

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

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

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

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

22 C. The medical provider or hospital shall seek payment for all  
23 medical care provided for preexisting conditions directly from the  
24 offender. ~~In the event there is a dispute between the jail and the~~

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

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

22 SECTION 2. This act shall become effective November 1, 2021.  
23

24 58-1-2111 BG 4/19/2021 2:23:57 PM