## 1 HOUSE OF REPRESENTATIVES - FLOOR VERSION 2 STATE OF OKLAHOMA 3 1st Session of the 58th Legislature (2021) HOUSE BILL 1633 4 By: Hardin (David) of the House 5 and Bergstrom of the Senate 6 7 8 9 AS INTRODUCED 10 An Act relating to counties and county officers; amending 19 O.S. 2011, Section 746, which relates to 11 liability for inmate medical care in county jails; stating who is primarily responsible for medical care costs for self-inflicted injuries and preexisting 12 conditions; expanding liability exemption for medical 1.3 costs related to self-inflicted injuries; removing certain collection procedures for medical providers 14 and hospitals; authorizing counties to seek payment or reimbursement from persons held in custody; and 15 providing an effective date. 16 17 18 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA: 19 SECTION 1. 19 O.S. 2011, Section 746, is AMENDATORY 20 amended to read as follows: 2.1 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

1 condition that was preexisting prior to the arrest of the person.

2 | The person shall be charged for the medical care and treatment by

3 the provider of said care. The custodial county shall only be

liable for the cost of medical care for conditions that are:

- 1. Are not the result of a self-inflicted injury sustained while in the custody of a county jail;
  - 2. Are not preexisting prior to arrest and that arise; or
  - 3. Arise due to acts or omissions of the county.
- A preexisting condition is a condition for which the person received medical treatment or advice, or a condition which was diagnosed in the six (6) months preceding the custody of the person by the law enforcement agency. An accidental injury sustained during the six (6) months preceding the custody of that person by the law enforcement agency will also be considered a preexisting condition.
- B. An inmate in pretrial detention or the custody of a county jail shall be provided with the opportunity to receive necessary medical care for a self-inflicted injury or a preexisting condition and the. The inmate shall be liable for payment of the cost of such medical care including, but not limited to, medication, medical treatment, and transportation costs, for or relating to the condition requiring treatment.
- C. The medical provider or hospital shall seek payment for all medical care provided for preexisting conditions directly from the offender. In the event there is a dispute between the jail and the

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

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

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1	SECTION 2. This act shall become effective November 1, 2021.	
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3	COMMITTEE REPORT BY: COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS, dated 02/25/2021 - DO PASS, As Coauthored.	
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HB1633 HFLR BOLD FACE denotes Committee Amendments.