

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED  
5 HOUSE BILL 1633

By: Hardin (David) of the House

and

6 Bergstrom of the Senate

7  
8  
9 COMMITTEE 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 and preexisting  
15 conditions; expanding liability exemption for medical  
16 costs related to self-inflicted injuries; removing  
17 certain collection procedures for medical providers  
18 and hospitals; authorizing counties to seek payment  
19 or reimbursement from persons held in custody; and  
20 providing an 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 self-inflicted  
injury sustained while in the custody of the county jail or

1 municipal jail or a condition that was preexisting prior to the  
2 arrest of the person. The person shall be charged for the medical  
3 care and treatment by the provider of said care. The custodial  
4 county or municipality shall only be liable for the cost of medical  
5 care for conditions that are:

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

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

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

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

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

24

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

17 D. Unless a contract exists between a hospital and the county  
18 or municipality for medical care and treatment of inmates in the  
19 county jail or municipal jail, a hospital shall accept, as payment  
20 in full, reimbursement from the county or municipality according to  
21 the current fee schedule of the State and Education Employees Group  
22 Insurance Board in effect at the time services were rendered~~+~~,  
23 provided that payment of said services is made by the county or  
24

1 municipality within forty-five (45) calendar days of submission of a  
2 claim by the hospital.

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

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