

1 ENGROSSED SENATE AMENDMENT
TO
2 ENGROSSED HOUSE
3 BILL NO. 2573

By: Trebilcock, Ritze,
Smithson, Tibbs and Duncan
of the House

and

Coffee of the Senate

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9 (county jails - amending 19 O.S., Section 746 -
10 medical care costs - persons in custody -
11 effective date)

12
13 AUTHOR: Add the following Senate Coauthor: Gumm

14 AMENDMENT NO. 1. Page 1, strike the stricken title, enacting
clause and entire bill and insert

15 "[county jails - amending 19 O.S., Section 746 -
16 medical care costs - persons in custody -
17 effective date]

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

21 SECTION 1. AMENDATORY 19 O.S. 2001, Section 746, as
22 amended by Section 1, Chapter 139, O.S.L. 2008 (19 O.S. Supp. 2009,
23 Section 746), is amended to read as follows:
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1 Section 746. A. When a person is in the custody of a county
2 jail, the custodial county shall only be liable for the cost of
3 medical care for conditions that are not preexisting prior to arrest
4 and that arise due to acts or omissions of the county. A
5 preexisting condition is a condition for which the person received
6 medical treatment or advice, or a condition which was diagnosed in
7 the six (6) months preceding the custody of the person by the law
8 enforcement agency. An accidental injury sustained during the six
9 (6) months preceding the custody of that person by the law
10 enforcement agency will also be considered a preexisting condition.

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

17 C. The medical provider or hospital shall seek payment for all
18 medical care provided for preexisting conditions directly from the
19 offender. In the event there is a dispute between the jail and the
20 medical provider or hospital concerning the existence or extent of a
21 preexisting condition or the liability to pay medical expenses
22 relating to such condition, and the sheriff pays the expense pending
23 a final determination of liability for such medical expense, the
24 court shall order the offender to reimburse the sheriff for all

1 medical care and treatment for preexisting conditions and injuries
2 except for amounts collected pursuant to Section 531 of this title.
3 Nothing in this section shall require a jail to pay disputed medical
4 expenses or expenses for any preexisting condition.

5 D. The county jail shall reimburse health care providers for
6 medical care and treatment for inmates according to the Oklahoma
7 Medicaid Fee Schedule unless an agreement between the provider and
8 the county jail is in effect. Without such an agreement, the county
9 jail shall not pay fees for medical care and treatment or be liable
10 for medical charges in excess of the Medicaid scheduled rate.

11 SECTION 2. This act shall become effective November 1, 2010."

12 Passed the Senate the 19th day of April, 2010.

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Presiding Officer of the Senate

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16 Passed the House of Representatives the ____ day of _____,
17 2010.

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Presiding Officer of the House
of Representatives

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