

**PROPOSED AMENDMENTS TO  
SENATE BILL 457**

1 On page 1 of the printed bill, line 2, after the semicolon delete the rest  
2 of the line and insert “creating new provisions; and amending ORS  
3 169.166.”.

4 Delete lines 4 through 11 and insert:

5 **“SECTION 1. Section 2 of this 2013 Act is added to and made a part  
6 of the Insurance Code.**

7 **“SECTION 2. (1) As used in this section, ‘health benefit plan’ has  
8 the meaning given that term in ORS 743.730.**

9 **“(2) An insurer offering a health benefit plan may not deny re-  
10 imbursement for any service or supply covered by the plan or cancel  
11 the coverage of an insured under the plan on the basis that:**

12 **“(a) The insured is in the custody of a county sheriff’s office;**

13 **“(b) The insured receives publicly funded medical care while in the  
14 custody of a county sheriff’s office; or**

15 **“(c) The care was provided to the insured by an employee of or  
16 contractor with a county sheriff’s office.**

17 **“(3) An insurer shall reimburse a county sheriff’s office for the  
18 costs of covered services or supplies provided to an insured who is in  
19 the custody of the county sheriff’s office in an amount that is no less  
20 than the amount paid under the insured’s health benefit plan to other  
21 out-of-network providers for the same services or supplies.**

22 **“SECTION 3. ORS 169.166 is amended to read:**

1       “169.166. Notwithstanding ORS 169.140 and 169.150 and except as other-  
2 wise provided in ORS 414.805 and 414.807:

3       “(1) An individual who receives medical services not provided by the  
4 county or city while in the custody of a local correctional facility or juvenile  
5 detention facility is liable:

6       “(a) To the provider of the medical services not provided by the county  
7 or city for the charges and expenses therefor; and

8       “(b) To the keeper of the local correctional facility for any charges or  
9 expenses paid by the keeper of the facility for the medical services not pro-  
10 vided by the county or city.

11       “(2) A person providing medical services not provided by the county or  
12 city to an individual described in subsection (1)(a) of this section shall first  
13 make reasonable efforts to collect the charges and expenses thereof from the  
14 individual before seeking to collect them from the keeper of the local  
15 correctional facility.

16       “(3)(a) Except as otherwise provided in subsection (4) of this section, if  
17 the provider has not been paid within 45 days of the date of the billing, the  
18 provider may bill the keeper of the local correctional facility who shall pay  
19 the account in accordance with ORS 169.140 and 169.150. **If a provider bills  
20 the keeper of a local correctional facility for a medical service pro-  
21 vided to an individual in the custody of the facility, the provider may  
22 not bill for an amount that exceeds the amount that Medicare reim-  
23 burses for the service.**

24       “(b) A bill submitted to the keeper of a local correctional facility under  
25 this subsection must be accompanied by evidence documenting that:

26       “(A) The provider has billed the individual or the individual’s insurer or  
27 health care service contractor for the charges or expenses owed to the pro-  
28 vider; and

29       “(B) The provider has made a reasonable effort to collect from the indi-  
30 vidual or the individual’s insurer or health care service contractor the

1 charges and expenses owed to the provider.

2 “(c) If the provider receives payment from the individual or the insurer  
3 or health care service contractor after receiving payment from the keeper  
4 of the facility, the provider shall repay the keeper the amount received from  
5 the keeper less any difference between payment received from the individual,  
6 insurer or contractor and the amount of the billing.

7 “(4) Except as otherwise provided by ORS 30.260 to 30.300 and federal civil  
8 rights laws, upon release of the individual from the actual physical custody  
9 of the local correctional facility, the keeper of the local correctional facility  
10 is not liable for the payment of charges and expenses for medical services  
11 provided to the individual.”.

12

\_\_\_\_\_