

# D R A F T

## SUMMARY

Eliminates conflicting definitions relating to expenses for medical services provided to individuals in local correctional facilities.

### A BILL FOR AN ACT

Relating to local correctional facilities; amending ORS 169.166; and repealing ORS 169.155.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1. ORS 169.155 is repealed.**

**SECTION 2.** ORS 169.166 is amended to read:

169.166. Notwithstanding ORS 169.140 and 169.150 and except as otherwise provided in ORS 414.805 and 414.807:

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

(a) To the provider of the medical services [*not provided by the county or city*] for the charges and expenses [*therefor*]; and

(b) To the keeper of the local correctional facility for any charges or expenses paid by the keeper of the facility for the medical services not provided by the county or city.

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

1 (3)(a) Except as otherwise provided in subsection (4) of this section, if the  
2 provider has not been paid within 45 days of the date of the billing, the  
3 provider may bill the keeper of the local correctional facility who shall pay  
4 the account in accordance with ORS 169.140 and 169.150.

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

7 (A) The provider has billed the individual or the individual's insurer or  
8 health care service contractor for the charges or expenses owed to the pro-  
9 vider; and

10 (B) The provider has made a reasonable effort to collect from the indi-  
11 vidual or the individual's insurer or health care service contractor the  
12 charges and expenses owed to the provider.

13 (c) If the provider receives payment from the individual or the insurer or  
14 health care service contractor after receiving payment from the keeper of the  
15 facility, the provider shall repay the keeper the amount received from the  
16 keeper less any difference between payment received from the individual,  
17 insurer or contractor and the amount of the billing.

18 (4) Except as otherwise provided by ORS 30.260 to 30.300 and federal civil  
19 rights laws, upon release of the individual from the actual physical custody  
20 of the local correctional facility, the keeper of the local correctional facility  
21 is not liable for the payment of charges and expenses for medical services  
22 provided to the individual.

23 **(5) As used in this section:**

24 **(a) "Juvenile detention facility" has the meaning given that term**  
25 **in ORS 169.005.**

26 **(b) "Local correctional facility" means a jail or prison for the re-**  
27 **ception and confinement of prisoners that is provided, maintained and**  
28 **operated by a county or city and holds persons for more than 36 hours,**  
29 **and includes lockups and temporary hold facilities.**

30 **(c) "Lockup" has the meaning given that term in ORS 169.005.**

31 **(d) "Reasonable efforts to collect the charges and expenses" means**

1 **that the provider has billed the individual to whom the medical ser-**  
2 **vices were provided or the insurer or health care service contractor**  
3 **of the individual before seeking to collect from the keeper of the local**  
4 **correctional facility.**

5 (e) **“Temporary hold” has the meaning given that term in ORS**  
6 **169.005.**

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