

House Bill 2803

Sponsored by COMMITTEE ON JUDICIARY

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

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

A BILL FOR AN ACT

1
2 Relating to local correctional facilities; amending ORS 169.166; and repealing ORS 169.155.

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

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 ORS 169.155 is repealed.**

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

6 169.166. Notwithstanding ORS 169.140 and 169.150 and except as otherwise provided in ORS
7 414.805 and 414.807:

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

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

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

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

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

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

23 (A) The provider has billed the individual or the individual's insurer or health care service
24 contractor for the charges or expenses owed to the provider; and

25 (B) The provider has made a reasonable effort to collect from the individual or the individual's
26 insurer or health care service contractor the charges and expenses owed to the provider.

27 (c) If the provider receives payment from the individual or the insurer or health care service
28 contractor after receiving payment from the keeper of the facility, the provider shall repay the
29 keeper the amount received from the keeper less any difference between payment received from the
30 individual, insurer or contractor and the amount of the billing.

31 (4) Except as otherwise provided by ORS 30.260 to 30.300 and federal civil rights laws, upon

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 release of the individual from the actual physical custody of the local correctional facility, the
2 keeper of the local correctional facility is not liable for the payment of charges and expenses for
3 medical services provided to the individual.

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

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

6 **(b) "Local correctional facility" means a jail or prison for the reception and confinement**
7 **of prisoners that is provided, maintained and operated by a county or city and holds persons**
8 **for more than 36 hours, and includes lockups and temporary hold facilities.**

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

10 **(d) "Reasonable efforts to collect the charges and expenses" means that the provider has**
11 **billed the individual to whom the medical services were provided or the insurer or health**
12 **care service contractor of the individual before seeking to collect from the keeper of the lo-**
13 **cal correctional facility.**

14 **(e) "Temporary hold" has the meaning given that term in ORS 169.005.**

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