

MEDICAL EXPENSES FOR OFFENDERS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Paul Ray

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill modifies Title 64, State Institutions, to set payment rates for certain medical services provided to criminal offenders outside of a prison facility.

Highlighted Provisions:

This bill:

- ▶ provides that medical care provided outside of a prison facility to an offender in the custody of the department shall be provided at the contracted rate, or if there is no contract between the department and a health care facility or provider that establishes a fee schedule for medical services rendered, expenses shall be at the noncapitated state Medicaid rate in effect at the time the service was provided regarding health care facilities, and 65% of the amount that would be paid under the Public Employees' Benefit and Insurance Program for health care providers;
- ▶ provides that the expense to the department for these medical services is limited to the amount that the expense exceeds coverage by an offender's policy through a private insurer that is in effect at the time of the service; and
- ▶ the Public Employees' Benefit and Insurance Program shall provide information to the department that enables the department to calculate the amount to be paid to a health care provider, and this information shall be kept confidential.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on July 1, 2011.

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **64-13-30**, as last amended by Laws of Utah 2009, Chapter 258

33

34 *Be it enacted by the Legislature of the state of Utah:*

35 Section 1. Section **64-13-30** is amended to read:

36 **64-13-30. Expenses incurred by offenders -- Payment to department or county**
37 **jail -- Medical care expenses and copayments.**

38 (1) (a) The department shall establish and collect from each offender on a work release
39 program the reasonable costs of the offender's maintenance, transportation, and incidental
40 expenses incurred by the department on behalf of the offender.

41 (b) Priority shall be given to restitution and family support obligations.

42 (c) The offender's reimbursement to the department for the cost of obtaining the
43 offender's DNA specimen[;] under Section 53-10-404 is the next priority after Subsection
44 (1)(b).

45 (2) The department, under its rules, may advance funds to any offender as necessary to
46 establish the offender in a work release program.

47 (3) (a) The department or county jail may require an inmate to make a copayment for
48 medical and dental services provided by the department or county jail.

49 (b) For services provided while in the custody of the department, the copayment by the
50 inmate is \$5 for primary medical care, \$5 for dental care, and \$2 for prescription medication.

51 (c) For services provided outside of a prison facility while in the custody of the
52 department, the offender is responsible for 10% of the costs associated with hospital care with
53 a cap on an inmate's share of hospital care expenses not to exceed \$2,000 per fiscal year.

54 (4) (a) An inmate who has assets exceeding \$200,000, as determined by the
55 department upon entry into the department's custody, is responsible to pay the costs of all
56 medical and dental care up to 20% of the inmate's total determined asset value.

57 (b) After an inmate has received medical and dental care equal to 20% of the inmate's

58 total asset value, the inmate [~~will be~~] is subject to the copayments provided in Subsection (3).

59 (5) The department shall turn over to the Office of State Debt Collection any debt
60 under this section that is unpaid at the time the offender is released from parole.

61 (6) An inmate may not be denied medical treatment if the inmate is unable to pay for
62 the treatment because of inadequate financial resources.

63 (7) When an offender in the custody of the department receives medical care that is
64 provided outside of a prison facility, the department shall pay the costs:

65 (a) at the contracted rate; or

66 (b) (i) if there is no contract between the department and a health care facility that
67 establishes a fee schedule for medical services rendered, expenses shall be at the noncapitated
68 state Medicaid rate in effect at the time the service was provided; and

69 (ii) if there is no contract between the department and a health care provider that
70 establishes a fee schedule for medical services rendered, expenses shall be 65% of the amount
71 that would be paid under the Public Employees' Benefit and Insurance Program, created in
72 Section 49-20-103.

73 (8) Expenses described in Subsection (7) are a cost to the department only to the
74 extent that they exceed an offender's private insurance that is in effect at the time of the
75 service and that covers those expenses.

76 (9) (a) The Public Employees' Benefit and Insurance Program shall provide
77 information to the department that enables the department to calculate the amount to be paid
78 to a health care provider under Subsection (7)(b).

79 (b) The department shall ensure that information provided under Subsection (9)(a) is
80 confidential.

81 **Section 2. Effective date.**

82 This bill takes effect on July 1, 2011.