

COUNTY JAIL INMATE MEDICAL COSTS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Bradley M. Daw

Senate Sponsor: Jon J. Greiner

LONG TITLE

General Description:

This bill modifies charges to counties relating to the costs of medical care for persons detained in a county jail.

Highlighted Provisions:

This bill:

▶ provides that a county will pay for the medical needs of a person charged with or convicted of a criminal offense and committed to the county jail, to the extent that the expenses exceed any private insurance in effect that covers those expenses;

▶ provides that the county may seek reimbursement for the costs of medical care, treatment, hospitalization, and related transportation from an inmate who has resources or the ability to pay for expenses incurred by the county in behalf of the inmate by:

- deducting the costs from the inmate's cash account on deposit with the jail

H→ during the inmate's incarceration or during a subsequent incarceration if the subsequent incarceration occurs within the same county and the incarceration is within three years of the date of the expense in behalf of the inmate ←H ; or

- placing a lien against the inmate's personal property ~~H→ [to provide payment in the event funds become available at a later time]~~ **H→ held by the jail ←H ;**

~~H→ [→ provides that an existing lien may be carried over to a subsequent incarceration of the same inmate if the subsequent incarceration takes place within the county originating the lien and the future incarceration takes place within three years of the date the lien was placed against the prisoner's personal property;]~~ **←H and**

- ▶ requires an inmate who receives medical care, treatment, hospitalization, or related

H.B. 110



28 transportation to cooperate with the jail facility seeking reimbursement for expenses incurred
29 by the county for the inmate.

30 **Monies Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 None

34 **Utah Code Sections Affected:**

35 AMENDS:

36 **17-50-319**, as last amended by Laws of Utah 2008, Chapter 155

37 **63G-2-103**, as last amended by Laws of Utah 2009, Chapter 246



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

40 Section 1. Section **17-50-319** is amended to read:

41 **17-50-319. County charges enumerated.**

42 (1) County charges are:

43 (a) those incurred against the county by any law;

44 (b) the necessary expenses of the county attorney or district attorney incurred in
45 criminal cases arising in the county, and all other expenses necessarily incurred by the county
46 or district attorney in the prosecution of criminal cases, except jury and witness fees;

47 (c) the medical needs and other expenses necessarily incurred in the support of persons
48 charged with or convicted of a criminal offense and committed to the county jail, except as
49 provided in Subsection (2);

50 (d) for a county not within the state district court administrative system, the sum
51 required by law to be paid jurors in civil cases;

52 (e) all charges and accounts for services rendered by any justice court judge for
53 services in the trial and examination of persons charged with a criminal offense not otherwise
54 provided for by law;

55 (f) the contingent expenses necessarily incurred for the use and benefit of the county;

56 (g) every other sum directed by law to be raised for any county purposes under the
57 direction of the county legislative body or declared a county charge;

58 (h) the fees of constables for services rendered in criminal cases;

59 (i) the necessary expenses of the sheriff and deputies incurred in civil and criminal
60 cases arising in the county, and all other expenses necessarily incurred by the sheriff and
61 deputies in performing the duties imposed upon them by law;

62 (j) the sums required by law to be paid by the county to jurors and witnesses serving at
63 inquests and in criminal cases in justice courts; and

64 (k) subject to Subsection (2), expenses incurred by a health care facility or provider in
65 providing medical services, treatment, hospitalization, or related transportation, at the request
66 of a county sheriff for ~~[existing conditions of]~~:

67 (i) persons booked into a county jail on a charge of a criminal offense; or

68 (ii) persons convicted of a criminal offense and committed to a county jail.

69 (2) (a) Expenses described in ~~[Subsection]~~ Subsections (1)(c) and (1)(k) are a ~~[county]~~
70 charge to the county only to the extent that they exceed any private insurance in effect that
71 covers those expenses.

72 (b) Subject to the priorities for payment under Subsection 64-13-30(1), the county may
73 collect costs of medical care, treatment, hospitalization, and related transportation provided to
74 the person described in Subsection (1)(k) who has the resources or the ability to pay.

75 (c) A county may seek reimbursement from a person described in Subsection (1)(k) for
76 expenses incurred by the county in behalf of the inmate for medical care, treatment,
77 hospitalization, or related transportation by:

78 (i) deducting the cost from the inmate's cash account on deposit with the detention
79 facility during the inmate's incarceration or during a subsequent incarceration if the subsequent
80 incarceration occurs within the same county and the incarceration is within three years of the
81 date of the expense in behalf of the inmate; or

82 (ii) placing a lien for the amount of the expense against the inmate's personal property ~~Ĥ→~~ ;
83 ~~to provide reimbursement in the event funds become available at a later time.~~ ~~←Ĥ~~ held by the jail.

84 (d) An inmate who receives medical care, treatment, hospitalization, or related
85 transportation shall cooperate with the jail facility seeking payment or reimbursement under
86 this section for the inmate's expenses.

87 ~~[(b)]~~ (e) If there is no contract between a county jail and a health care facility or
88 provider that establishes a fee schedule for medical services rendered, expenses under
89 Subsection (1)(k) shall be commensurate with:

90 (i) for a health care facility, the current noncapitated state Medicaid rates; and
 91 (ii) for a health care provider, 65% of the amount that would be paid to the health care
 92 provider:

93 (A) under the Public Employees' Benefit and Insurance Program, created in Section
 94 49-20-103; and

95 (B) if the person receiving the medical service were a covered employee under the
 96 Public Employees' Benefit and Insurance Program.

97 ~~[(e)]~~ (f) Subsection (1)(k) does not apply to expenses of a person held at the jail at the
 98 request of an agency of the United States.

99 ~~[(d)]~~ (g) A county that receives information from the Public Employees' Benefit and
 100 Insurance Program to enable the county to calculate the amount to be paid to a health care
 101 provider under Subsection (2)~~[(b)]~~(e)(ii) shall keep that information confidential.

102 Section 2. Section **63G-2-103** is amended to read:

103 **63G-2-103. Definitions.**

104 As used in this chapter:

105 (1) "Audit" means:

106 (a) a systematic examination of financial, management, program, and related records
 107 for the purpose of determining the fair presentation of financial statements, adequacy of
 108 internal controls, or compliance with laws and regulations; or

109 (b) a systematic examination of program procedures and operations for the purpose of
 110 determining their effectiveness, economy, efficiency, and compliance with statutes and
 111 regulations.

112 (2) "Chronological logs" mean the regular and customary summary records of law
 113 enforcement agencies and other public safety agencies that show:

114 (a) the time and general nature of police, fire, and paramedic calls made to the agency;
 115 and

116 (b) any arrests or jail bookings made by the agency.

117 (3) "Classification," "classify," and their derivative forms mean determining whether a
 118 record series, record, or information within a record is public, private, controlled, protected, or
 119 exempt from disclosure under Subsection 63G-2-201(3)(b).

120 (4) (a) "Computer program" means:

121 (i) a series of instructions or statements that permit the functioning of a computer
122 system in a manner designed to provide storage, retrieval, and manipulation of data from the
123 computer system; and

124 (ii) any associated documentation and source material that explain how to operate the
125 computer program.

126 (b) "Computer program" does not mean:

127 (i) the original data, including numbers, text, voice, graphics, and images;

128 (ii) analysis, compilation, and other manipulated forms of the original data produced by
129 use of the program; or

130 (iii) the mathematical or statistical formulas, excluding the underlying mathematical
131 algorithms contained in the program, that would be used if the manipulated forms of the
132 original data were to be produced manually.

133 (5) (a) "Contractor" means:

134 (i) any person who contracts with a governmental entity to provide goods or services
135 directly to a governmental entity; or

136 (ii) any private, nonprofit organization that receives funds from a governmental entity.

137 (b) "Contractor" does not mean a private provider.

138 (6) "Controlled record" means a record containing data on individuals that is controlled
139 as provided by Section 63G-2-304.

140 (7) "Designation," "designate," and their derivative forms mean indicating, based on a
141 governmental entity's familiarity with a record series or based on a governmental entity's
142 review of a reasonable sample of a record series, the primary classification that a majority of
143 records in a record series would be given if classified and the classification that other records
144 typically present in the record series would be given if classified.

145 (8) "Elected official" means each person elected to a state office, county office,
146 municipal office, school board or school district office, local district office, or special service
147 district office, but does not include judges.

148 (9) "Explosive" means a chemical compound, device, or mixture:

149 (a) commonly used or intended for the purpose of producing an explosion; and

150 (b) that contains oxidizing or combustive units or other ingredients in proportions,
151 quantities, or packing so that:

152 (i) an ignition by fire, friction, concussion, percussion, or detonator of any part of the
153 compound or mixture may cause a sudden generation of highly heated gases; and

154 (ii) the resultant gaseous pressures are capable of:

155 (A) producing destructive effects on contiguous objects; or

156 (B) causing death or serious bodily injury.

157 (10) "Government audit agency" means any governmental entity that conducts an audit.

158 (11) (a) "Governmental entity" means:

159 (i) executive department agencies of the state, the offices of the governor, lieutenant
160 governor, state auditor, attorney general, and state treasurer, the Board of Pardons and Parole,
161 the Board of Examiners, the National Guard, the Career Service Review Board, the State Board
162 of Education, the State Board of Regents, and the State Archives;

163 (ii) the Office of the Legislative Auditor General, Office of the Legislative Fiscal
164 Analyst, Office of Legislative Research and General Counsel, the Legislature, and legislative
165 committees, except any political party, group, caucus, or rules or sifting committee of the
166 Legislature;

167 (iii) courts, the Judicial Council, the Office of the Court Administrator, and similar
168 administrative units in the judicial branch;

169 (iv) any state-funded institution of higher education or public education; or

170 (v) any political subdivision of the state, but, if a political subdivision has adopted an
171 ordinance or a policy relating to information practices pursuant to Section 63G-2-701, this
172 chapter shall apply to the political subdivision to the extent specified in Section 63G-2-701 or
173 as specified in any other section of this chapter that specifically refers to political subdivisions.

174 (b) "Governmental entity" also means every office, agency, board, bureau, committee,
175 department, advisory board, or commission of an entity listed in Subsection (11)(a) that is
176 funded or established by the government to carry out the public's business.

177 (12) "Gross compensation" means every form of remuneration payable for a given
178 period to an individual for services provided including salaries, commissions, vacation pay,
179 severance pay, bonuses, and any board, rent, housing, lodging, payments in kind, and any
180 similar benefit received from the individual's employer.

181 (13) "Individual" means a human being.

182 (14) (a) "Initial contact report" means an initial written or recorded report, however

183 titled, prepared by peace officers engaged in public patrol or response duties describing official
184 actions initially taken in response to either a public complaint about or the discovery of an
185 apparent violation of law, which report may describe:

- 186 (i) the date, time, location, and nature of the complaint, the incident, or offense;
- 187 (ii) names of victims;
- 188 (iii) the nature or general scope of the agency's initial actions taken in response to the
189 incident;
- 190 (iv) the general nature of any injuries or estimate of damages sustained in the incident;
- 191 (v) the name, address, and other identifying information about any person arrested or
192 charged in connection with the incident; or
- 193 (vi) the identity of the public safety personnel, except undercover personnel, or
194 prosecuting attorney involved in responding to the initial incident.

195 (b) Initial contact reports do not include follow-up or investigative reports prepared
196 after the initial contact report. However, if the information specified in Subsection (14)(a)
197 appears in follow-up or investigative reports, it may only be treated confidentially if it is
198 private, controlled, protected, or exempt from disclosure under Subsection 63G-2-201(3)(b).

199 (15) "Legislative body" means the Legislature.

200 (16) "Notice of compliance" means a statement confirming that a governmental entity
201 has complied with a records committee order.

202 (17) "Person" means:

- 203 (a) an individual;
- 204 (b) a nonprofit or profit corporation;
- 205 (c) a partnership;
- 206 (d) a sole proprietorship;
- 207 (e) other type of business organization; or
- 208 (f) any combination acting in concert with one another.

209 (18) "Private provider" means any person who contracts with a governmental entity to
210 provide services directly to the public.

211 (19) "Private record" means a record containing data on individuals that is private as
212 provided by Section 63G-2-302.

213 (20) "Protected record" means a record that is classified protected as provided by

214 Section 63G-2-305.

215 (21) "Public record" means a record that is not private, controlled, or protected and that
216 is not exempt from disclosure as provided in Subsection 63G-2-201(3)(b).

217 (22) (a) "Record" means a book, letter, document, paper, map, plan, photograph, film,
218 card, tape, recording, electronic data, or other documentary material regardless of physical form
219 or characteristics:

220 (i) that is prepared, owned, received, or retained by a governmental entity or political
221 subdivision; and

222 (ii) where all of the information in the original is reproducible by photocopy or other
223 mechanical or electronic means.

224 (b) "Record" does not mean:

225 (i) a personal note or personal communication prepared or received by an employee or
226 officer of a governmental entity in the employee's or officer's private capacity;

227 (ii) a temporary draft or similar material prepared for the originator's personal use or
228 prepared by the originator for the personal use of an individual for whom the originator is
229 working;

230 (iii) material that is legally owned by an individual in the individual's private capacity;

231 (iv) material to which access is limited by the laws of copyright or patent unless the
232 copyright or patent is owned by a governmental entity or political subdivision;

233 (v) proprietary software;

234 (vi) junk mail or a commercial publication received by a governmental entity or an
235 official or employee of a governmental entity;

236 (vii) a book that is cataloged, indexed, or inventoried and contained in the collections
237 of a library open to the public;

238 (viii) material that is cataloged, indexed, or inventoried and contained in the collections
239 of a library open to the public, regardless of physical form or characteristics of the material;

240 (ix) a daily calendar or other personal note prepared by the originator for the
241 originator's personal use or for the personal use of an individual for whom the originator is
242 working;

243 (x) a computer program that is developed or purchased by or for any governmental
244 entity for its own use;

245 (xi) a note or internal memorandum prepared as part of the deliberative process by:
246 (A) a member of the judiciary;
247 (B) an administrative law judge;
248 (C) a member of the Board of Pardons and Parole; or
249 (D) a member of any other body charged by law with performing a quasi-judicial
250 function;

251 (xii) a telephone number or similar code used to access a mobile communication
252 device that is used by an employee or officer of a governmental entity, provided that the
253 employee or officer of the governmental entity has designated at least one business telephone
254 number that is a public record as provided in Section 63G-2-301;

255 (xiii) information provided by the Public Employees' Benefit and Insurance Program,
256 created in Section 49-20-103, to a county to enable the county to calculate the amount to be
257 paid to a health care provider under Subsection 17-50-319(2)(~~b~~)(e)(ii); or

258 (xiv) information that an owner of unimproved property provides to a local entity as
259 provided in Section 11-42-205.

260 (23) "Record series" means a group of records that may be treated as a unit for
261 purposes of designation, description, management, or disposition.

262 (24) "Records committee" means the State Records Committee created in Section
263 63G-2-501.

264 (25) "Records officer" means the individual appointed by the chief administrative
265 officer of each governmental entity, or the political subdivision to work with state archives in
266 the care, maintenance, scheduling, designation, classification, disposal, and preservation of
267 records.

268 (26) "Schedule," "scheduling," and their derivative forms mean the process of
269 specifying the length of time each record series should be retained by a governmental entity for
270 administrative, legal, fiscal, or historical purposes and when each record series should be
271 transferred to the state archives or destroyed.

272 (27) "Sponsored research" means research, training, and other sponsored activities as
273 defined by the federal Executive Office of the President, Office of Management and Budget:

274 (a) conducted:

275 (i) by an institution within the state system of higher education defined in Section

276 53B-1-102; and
277 (ii) through an office responsible for sponsored projects or programs; and
278 (b) funded or otherwise supported by an external:
279 (i) person that is not created or controlled by the institution within the state system of
280 higher education; or
281 (ii) federal, state, or local governmental entity.
282 (28) "State archives" means the Division of Archives and Records Service created in
283 Section 63A-12-101.
284 (29) "State archivist" means the director of the state archives.
285 (30) "Summary data" means statistical records and compilations that contain data
286 derived from private, controlled, or protected information but that do not disclose private,
287 controlled, or protected information.

Legislative Review Note
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