

MEDICAL EXPENSES FOR OFFENDERS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Paul Ray

Senate Sponsor: _____

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 the following Medicaid-based standards for paying the costs of medical care provided outside a prison to an offender in the custody of the department:

• for services provided at a health care facility, payment is at ~~H→~~ **[the noncapitated state Medicaid rate in effect at the time the service was provided] [60% of the amount] the same rate that would be paid under the Public Employees' Benefit and Insurance Program ←H** ;

and

• for services of a health care provider, payment is at ~~H→~~ **[110% of the noncapitated state Medicaid rate in effect at the time the service was provided] ←H** ; ~~H→~~ **[65% of the amount] the same rate that would be paid under the Public Employees' Benefit and Insurance Program; [and] ←H**

▶ 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 ~~H→~~ ; **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 facility, and this information shall be kept confidential ←H .**

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



28 **64-13-30**, as last amended by Laws of Utah 2009, Chapter 258



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

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

32 **64-13-30. Expenses incurred by offenders -- Payment to department or county**
33 **jail -- Medical care expenses and copayments.**

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

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

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

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

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

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

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

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

53 (b) After an inmate has received medical and dental care equal to 20% of the inmate's
54 total asset value, the inmate [~~will be~~] is subject to the copayments provided in Subsection (3).

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

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

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

61 (a) service at a health care facility at ~~H→ [the noncapitated state Medicaid rate in effect at~~
 62 ~~the time the service was provided] [60% of the amount] the same rate that would be paid under~~
 63a ~~the Public Employees' Benefit and Insurance Program, created in Section 49-20-103 ←H ; and~~

63 (b) a health care provider at ~~H→ [110% of the noncapitated state Medicaid rate in effect at~~
 64 ~~the time the service was provided] [65% of the amount] the same rate that would be paid under~~
 65a ~~the Public Employees' Benefit and Insurance Program, created in Section 49-20-103 ←H .~~

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

67a ~~H→ (9)(a) The Public Employees' Benefit and Insurance Program shall provide~~
 67b ~~information to the department that enables the department to calculate the amount to be paid~~
 67c ~~to a health care facility under Subsection (7)(a) or a health care provider under~~
 67d ~~Subsection (7)(b).~~

67e (b) The department shall keep information provided under
 67f Subsection (9)(a) confidential. ←H

Legislative Review Note
 as of 2-16-10 9:38 AM

Office of Legislative Research and General Counsel

H.B. 312 - Medical Expenses for Offenders

Fiscal Note

2010 General Session
State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
