

HOUSE BILL 359

E4, J1

8lr0680
CF SB 225

By: **Delegates Conway, Barkley, DeBoy, Haynes, James, and Levy**
Introduced and read first time: January 25, 2008
Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Local Correctional Facilities - Inmate Health Care Expenses - Payment**
3 **Rates to Health Care Providers**

4 FOR the purpose of providing that a local correctional facility that is responsible for
5 payment for certain health care expenses of inmates is only responsible for
6 payment at the lower of certain rates; providing that a county may enter into an
7 agreement with a health care provider for the provision of health care services
8 at amounts that are higher or lower than a certain rate; defining certain
9 terms; and generally relating to payment rates for health care services provided
10 to inmates confined in local correctional facilities.

11 BY repealing and reenacting, with amendments,
12 Article – Correctional Services
13 Section 11–203
14 Annotated Code of Maryland
15 (1999 Volume and 2007 Supplement)

16 BY adding to
17 Article – Correctional Services
18 Section 11–205
19 Annotated Code of Maryland
20 (1999 Volume and 2007 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
22 MARYLAND, That the Laws of Maryland read as follows:

23 **Article – Correctional Services**

24 11–203.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 (a) (1) The managing official of a local correctional facility shall provide to
2 an inmate in the custody of the managing official:

3 (i) food and board; and

4 (ii) any article of comfort that is considered necessary for a sick
5 inmate by the physician attending the inmate.

6 (2) Except as provided in [§ 11-204] §§ **11-204 AND 11-205** of this
7 subtitle and subject to subsections (b), (c), and (d) of this section, the county shall pay
8 the costs associated with food, board, and articles of comfort provided to inmates under
9 paragraph (1) of this subsection.

10 (b) An inmate in a local correctional facility who is sick, injured, or disabled
11 shall:

12 (1) reimburse the county, as appropriate, for the payment of medical
13 expenses; and

14 (2) provide the managing official with any information relating to:

15 (i) the existence of any health insurance, group health plan, or
16 prepaid medical care coverage under which the inmate is insured or covered;

17 (ii) the inmate's eligibility for benefits under the Maryland
18 Medical Assistance Program;

19 (iii) the name and address of any third party payor; and

20 (iv) any policy or other identifying number relating to items (i)
21 through (iii) of this item.

22 (c) (1) In addition to obtaining any reimbursement authorized under
23 subsection (b) of this section and subject to paragraph (4) of this subsection, the
24 governing body of each county shall establish a reasonable fee, not to exceed \$4, for
25 each visit by an inmate in a local correctional facility to an institutional medical unit
26 or noninstitutional physician, dentist, or optometrist.

27 (2) The per visit fee shall be deducted from an inmate's spending
28 financial account, reserve financial account, or similar account held by the managing
29 official on behalf of the inmate.

30 (3) The fees collected under this subsection shall be deposited in the
31 general fund of the county.

32 (4) This subsection does not apply to a visit by an inmate to a medical
33 unit or a physician, dentist, or optometrist if the visit is:

- 1 (i) required as a part of the intake process;
- 2 (ii) required for an initial physical examination;
- 3 (iii) due to a referral by a nurse or physician's assistant;
- 4 (iv) provided during a follow-up visit that is initiated by a
5 medical professional from the local correctional facility;
- 6 (v) initiated by a medical or mental health staff member of the
7 local correctional facility; or
- 8 (vi) required for necessary treatment.

9 (d) Subsections (b) and (c) of this section do not impose liability for
10 reimbursement or payment of medical expenses on any person other than an inmate
11 personally or through a person that provides insurance, coverage, or other benefits
12 described under subsection (b) of this section.

13 **11-205.**

14 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
15 MEANINGS INDICATED.

16 (2) "HEALTH CARE PROVIDER" HAS THE MEANING STATED IN §
17 19-132 OF THE HEALTH - GENERAL ARTICLE.

18 (3) "MEDICAID RATE" MEANS THE AMOUNT A HEALTH CARE
19 PROVIDER WOULD BE PAID FOR HEALTH CARE SERVICES UNDER A CONTRACT
20 OR PROVIDER AGREEMENT WITH THE MARYLAND MEDICAL ASSISTANCE
21 PROGRAM.

22 (B) A LOCAL CORRECTIONAL FACILITY THAT IS RESPONSIBLE FOR
23 PAYMENT TO A HEALTH CARE PROVIDER FOR HEALTH CARE SERVICES
24 PROVIDED TO AN INMATE IS ONLY RESPONSIBLE FOR PAYMENT OF THE LESSER
25 OF:

26 (1) THE ACTUAL AMOUNT BILLED BY THE HEALTH CARE
27 PROVIDER FOR THE HEALTH CARE SERVICES; OR

28 (2) THE MEDICAID RATE FOR THE HEALTH CARE SERVICES.

29 (C) NOTWITHSTANDING SUBSECTION (B) OF THIS SECTION, A COUNTY
30 MAY ENTER INTO AN AGREEMENT WITH A HEALTH CARE PROVIDER FOR THE
31 PROVISION OF HEALTH CARE SERVICES TO INMATES IN A LOCAL CORRECTIONAL

1 **FACILITY AT A PAYMENT RATE THAT IS HIGHER OR LOWER THAN THE MEDICAID**
2 **RATE.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 July 1, 2008.