

Unofficial Copy

1997 Regular Session

(PRE-FILED)

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By: Chairman, Finance Committee (Departmental - Health and Mental Hygiene)

Requested: November 8, 1996

Introduced and read first time: January 8, 1997

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Admissions to State Psychiatric Hospitals - Payment for Services or Treatment**

3 FOR the purpose of providing that a sheriff, county, or Baltimore City is not responsible
4 for payment of services or treatment rendered as a result of an admission of a
5 prisoner to a State psychiatric hospital.

6 BY repealing and reenacting, with amendments,
7 Article 87 - Sheriffs
8 Section 46
9 Annotated Code of Maryland
10 (1995 Replacement Volume and 1996 Supplement)

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

13 **Article 87 - Sheriff**

14 46.

15 (a) In this section, "sheriff" includes the administrator, director, superintendent,
16 warden, or other officer in charge of a detention center.

17 (b) (1) The sheriff shall provide food and board for all prisoners committed to
18 the sheriff's charge and food and other articles for the comfort of sick prisoners as the
19 physician attending the prisoners may deem necessary, the expense of which shall be paid
20 by the county or Baltimore City.

21 (2) THE SHERIFF, A COUNTY, OR BALTIMORE CITY IS NOT RESPONSIBLE
22 FOR PAYMENT FOR SERVICES OR TREATMENT RENDERED AS A RESULT OF AN
23 ADMISSION OF A PRISONER TO A STATE PSYCHIATRIC HOSPITAL.

24 (c) Sick, injured, or disabled prisoners including those committed to the
25 Commissioner of Pretrial Detention and Services shall be responsible for reimbursing the
26 county or the State, as appropriate for the payment of all medical care, and shall furnish
27 the sheriff with the following information:

28 (1) The existence of any health insurance, group health plan, or prepaid
29 medical care coverage under which the prisoner is insured;

2

1 (2) The eligibility for benefits under the Maryland Medical Assistance
2 Program to which the prisoner is entitled;

3 (3) The name and address of the third party payor; and

4 (4) The policy or other identifying number.

5 (d) (1) This subsection does not apply to a visit by an inmate to a medical unit
6 or a physician, dentist, or optometrist if the visit is:

7 (i) Required as part of the intake process;

8 (ii) Required for an initial physical examination;

9 (iii) Due to a referral by a nurse or physician assistant;

10 (iv) Initiated, as a follow-up visit, by a medical professional from the
11 detention center;

12 (v) Initiated by a medical or mental health staff member of the
13 detention center; or

14 (vi) Required for necessary treatment.

15 (2) (i) In addition to the provisions of subsection (c) of this section, the
16 governing body of each county and, in the case of Baltimore City, the Department of
17 Public Safety and Correctional Services, shall set a reasonable fee not to exceed \$4 for
18 each visit by an inmate to an institutional medical unit or noninstitutional physician,
19 dentist, or optometrist.

20 (ii) The per visit fee shall be deducted from an inmate's spending
21 financial account, reserve financial account, or similar account held by the Sheriff on
22 behalf of the inmate.

23 (3) The funds collected under this subsection shall be deposited in the
24 general fund of the county, or in the case of Baltimore City, in the General Fund of the
25 State.

26 (e) The liability for payment for medical care described under subsections (c) or
27 (d) of this section may not be construed as requiring payment by any person or entity,
28 except by a prisoner personally or through coverage or benefits described under
29 subsection (c) of this section.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 1997.