

# HOUSE BILL 359

E4, J1

8lr0680  
CF SB 225

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By: **Delegates Conway, Barkley, DeBoy, Haynes, James, and Levy**

Introduced and read first time: January 25, 2008

Assigned to: Health and Government Operations

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## 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.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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.

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.

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:

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

13 11-205.

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

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.

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.