

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

Reassigned: Appropriations, January 31, 2008

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 14, 2008

CHAPTER _____

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~~ liability for payment to a health care provider for certain health
6 care expenses of certain inmates ~~is only responsible for payment at~~ may not
7 exceed the lower of certain rates; providing that a county may ~~enter into an~~
8 ~~agreement with a health care provider for the provision of health care services~~
9 ~~at amounts that are higher or lower than a certain rate~~ elect to declare certain
10 provisions of this Act inapplicable to the county by filing a certain declaration
11 with the county health officer; providing that a certain election may be
12 withdrawn in a certain manner at any time; defining certain terms; providing
13 for the application of this Act; and generally relating to payment rates for
14 health care services provided to inmates ~~confined in~~ committed to local
15 correctional facilities.

16 BY repealing and reenacting, with amendments,

17 Article – Correctional Services

18 Section 11–203

19 Annotated Code of Maryland

20 (1999 Volume and 2007 Supplement)

21 BY adding to

22 Article – Correctional Services

23 Section 11–205

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland
2 (1999 Volume and 2007 Supplement)

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

5 **Article – Correctional Services**

6 11–203.

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

9 (i) food and board; and

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

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

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

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

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

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

23 (ii) the inmate’s eligibility for benefits under the Maryland
24 Medical Assistance Program;

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

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

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

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

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

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

8 (i) required as a part of the intake process;

9 (ii) required for an initial physical examination;

10 (iii) due to a referral by a nurse or physician's assistant;

11 (iv) provided during a follow-up visit that is initiated by a
12 medical professional from the local correctional facility;

13 (v) initiated by a medical or mental health staff member of the
14 local correctional facility; or

15 (vi) required for necessary treatment.

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

20 **11-205.**

21 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
22 MEANINGS INDICATED.

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

25 (II) "HEALTH CARE PROVIDER" DOES NOT INCLUDE A
26 HOSPITAL REGULATED BY THE HEALTH SERVICES COST REVIEW COMMISSION.

27 (3) "HEALTH CARE SERVICE" HAS THE MEANING STATED IN §
28 19-132 OF THE HEALTH - GENERAL ARTICLE.

29 ~~(3)~~ (4) "MEDICAID RATE" MEANS:

1 **(I) THE AMOUNT A HEALTH CARE PROVIDER WOULD BE**
2 **PAID FOR HEALTH CARE SERVICES UNDER A CONTRACT OR PROVIDER**
3 **AGREEMENT WITH THE MARYLAND MEDICAL ASSISTANCE PROGRAM; OR**

4 **(II) IF THE HEALTH CARE PROVIDER IS A FEDERALLY**
5 **QUALIFIED HEALTH CENTER, THE AMOUNT THAT A FEDERALLY QUALIFIED**
6 **HEALTH CENTER WOULD BE PAID BY THE MARYLAND MEDICAL ASSISTANCE**
7 **PROGRAM USING THE PAYMENT METHODOLOGY DESCRIBED IN 42 U.S.C. §**
8 **1396A(BB).**

9 **(B) A LOCAL CORRECTIONAL FACILITY THAT IS RESPONSIBLE**
10 **LIABILITY FOR PAYMENT TO A HEALTH CARE PROVIDER FOR ANY HEALTH CARE**
11 **SERVICES SERVICE PROVIDED TO AN INMATE IS ONLY RESPONSIBLE FOR**
12 **PAYMENT OF COMMITTED TO A LOCAL CORRECTIONAL FACILITY THAT IS NOT**
13 **PROVIDED ON THE PREMISES OF THE FACILITY MAY NOT EXCEED THE LESSER**
14 **OF:**

15 **(1) THE ACTUAL AMOUNT BILLED BY THE HEALTH CARE**
16 **PROVIDER FOR THE HEALTH CARE SERVICES SERVICE; OR**

17 **(2) THE MEDICAID RATE FOR THE HEALTH CARE SERVICES**
18 **SERVICE.**

19 **(C) NOTWITHSTANDING SUBSECTION (B) OF THIS SECTION, A COUNTY**
20 **MAY ENTER INTO AN AGREEMENT WITH A HEALTH CARE PROVIDER FOR THE**
21 **PROVISION OF HEALTH CARE SERVICES TO INMATES IN A LOCAL CORRECTIONAL**
22 **FACILITY AT A PAYMENT RATE THAT IS HIGHER OR LOWER THAN THE MEDICAID**
23 **RATE.**

24 **(C) (1) A COUNTY MAY ELECT TO DECLARE THE PROVISIONS OF THIS**
25 **SECTION INAPPLICABLE TO THE COUNTY BY FILING WITH THE COUNTY HEALTH**
26 **OFFICER A WRITTEN DECLARATION BY THE HIGHEST OFFICIAL OF THE LOCAL**
27 **CORRECTIONAL FACILITY, APPROVED BY THE CHIEF EXECUTIVE OFFICER OF**
28 **THE COUNTY.**

29 **(2) THE HIGHEST OFFICIAL OF THE LOCAL CORRECTIONAL**
30 **FACILITY, WITH THE APPROVAL OF THE CHIEF EXECUTIVE OFFICER OF THE**
31 **COUNTY, MAY WITHDRAW AT ANY TIME AN ELECTION MADE UNDER PARAGRAPH**
32 **(1) OF THIS SUBSECTION.**

33 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act does not apply**
34 **to a contract to provide health care services to inmates in local correctional facilities in**
35 **effect on or before the effective date of this Act.**

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.