

## CHAPTER 496

(House Bill 359)

AN ACT concerning

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

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the county by filing a certain declaration with the county health officer; providing that a certain election ~~may be withdrawn in a certain manner at any time~~; defining certain terms; providing for the application of this Act; and generally relating to payment rates for health care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

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

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

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

#### **Article – Correctional Services**

11–203.

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

(i) food and board; and

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

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

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

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

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

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

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

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

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

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

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

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

(4) This subsection does not apply to a visit by an inmate to a medical 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.

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

**11-205.**

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

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

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

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

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

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

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

**(B) A LOCAL CORRECTIONAL FACILITY THAT IS RESPONSIBLE LIABILITY FOR PAYMENT TO A HEALTH CARE PROVIDER FOR ANY HEALTH CARE**

~~SERVICES SERVICE PROVIDED TO AN INMATE IS ONLY RESPONSIBLE FOR PAYMENT OF COMMITTED TO A LOCAL CORRECTIONAL FACILITY THAT IS NOT PROVIDED ON THE PREMISES OF THE FACILITY MAY NOT EXCEED THE LESSER OF:~~

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

(2) THE MEDICAID RATE FOR THE HEALTH CARE ~~SERVICES SERVICE~~.

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

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

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

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

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

**Approved by the Governor, May 13, 2008.**