

SENATE BILL 855

E4, L1

11r2566

By: **Senator Shank**

Introduced and read first time: February 14, 2011

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Local Correctional Facilities – Inmates – Payment for Treatment of**
3 **Preexisting Condition**

4 FOR the purpose of establishing that a county is not responsible for the cost of certain
5 medical care for an inmate associated with a certain preexisting condition or an
6 injury that is self-inflicted during the inmate's commitment in the facility;
7 establishing that the cost of medical treatment for a preexisting condition or
8 self-inflicted injury is the responsibility of the inmate; establishing that the
9 managing official in consultation with a qualified health care professional shall
10 determine the manner in which certain care is provided for the inmate;
11 establishing that, if a county incurs certain expenses in providing medical care
12 for a preexisting condition or a self-inflicted injury in order to comply with a
13 certain legal mandate, the county is entitled to payment from the State without
14 regard to certain limitations; and generally relating to payment for treatment of
15 a preexisting medical condition of an inmate in a local correctional facility.

16 BY repealing and reenacting, with amendments,
17 Article – Correctional Services
18 Section 9–405 and 11–203
19 Annotated Code of Maryland
20 (2008 Replacement Volume and 2010 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 9–405.

25 [After] **EXCEPT AS PROVIDED IN § 11–203 OF THIS ARTICLE, AFTER** each
26 fiscal year the State shall reimburse a county for medical expenses that exceed

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 \$25,000 for each inmate confined in a local correctional facility, regardless of whether
2 the inmate has been sentenced.

3 11–203.

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

6 (i) food and board; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (ii) required for an initial physical examination;

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

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

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

12 (vi) required for necessary treatment.

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

17 **(E) (1) THE COUNTY IS NOT RESPONSIBLE FOR THE COST OF**
18 **MEDICAL CARE, SERVICES, OR TREATMENT FOR AN INMATE THAT IS**
19 **ASSOCIATED WITH:**

20 **(I) A DISEASE, DISORDER, CONDITION, INJURY, OR OTHER**
21 **NEED FOR MEDICAL CARE THAT EXISTED BEFORE THE INMATE WAS COMMITTED**
22 **TO THE LOCAL CORRECTIONAL FACILITY; OR**

23 **(II) ANY INJURY THAT IS SELF-INFLICTED DURING THE**
24 **INMATE'S COMMITMENT IN THE LOCAL CORRECTIONAL FACILITY.**

25 **(2) (I) THE COST FOR ANY MEDICAL CARE, SERVICES, OR**
26 **TREATMENT FOR A CONDITION DESCRIBED IN PARAGRAPH (1) OF THIS**
27 **SUBSECTION IS THE RESPONSIBILITY OF THE INMATE.**

28 **(II) THE MANAGING OFFICIAL, IN CONSULTATION WITH A**
29 **QUALIFIED HEALTH CARE PROFESSIONAL, SHALL DETERMINE THE MANNER IN**
30 **WHICH MEDICAL CARE, SERVICES, OR TREATMENT FOR AN INMATE WITH A**
31 **CONDITION DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION IS PROVIDED.**

1 **(3) IF A COUNTY, IN ORDER TO COMPLY WITH A LEGAL MANDATE**
2 **TO PROVIDE MEDICAL CARE TO INMATES, INCURS EXPENSES ASSOCIATED WITH**
3 **AN INMATE'S CONDITION DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION,**
4 **THE COUNTY IS ENTITLED TO PAYMENT OF THE EXPENSES UNDER § 9-405 OF**
5 **THIS ARTICLE WHETHER OR NOT THE EXPENSES EXCEED \$25,000.**

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2011.