

# HOUSE BILL REPORT

## SHB 1469

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As Passed Legislature

**Title:** An act relating to reimbursement of medical costs for care provided to confined persons.

**Brief Description:** Clarifying that the department of social and health services is not required to reimburse certain health care costs under the limited casualty program.

**Sponsors:** By House Committee on Corrections (originally sponsored by Representatives L. Johnson, Morris, Long and Thibaudeau.)

**Brief History:**

Reported by House Committee on:  
Corrections, February 24, 1993, DPS;  
Passed House, March 11, 1993, 67-31;  
Amended by Senate;  
Passed Legislature, April 20, 1993, 72-25.

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### HOUSE COMMITTEE ON CORRECTIONS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Morris, Chair; Mastin, Vice Chair; Long, Ranking Minority Member; Edmondson, Assistant Ranking Minority Member; G. Cole; L. Johnson; Ogden; and Padden.

**Minority Report:** Do not pass. Signed by 1 member: Representative Riley.

**Staff:** Bill Lynch (786-7092).

**Background:** The Department of Social and Health Services (DSHS) is required to reimburse a city or county for the cost of medical treatment provided to jail inmates. Inmates in public institutions are ineligible for Medicaid.

Until recently, DSHS paid for jail inmates' hospital costs to the extent that money was available in the Limited Casualty Program for the Medically Indigent (LCP-MI). The LCP-MI is a program of last resort entirely funded by monies appropriated by the state Legislature. The Washington State Supreme Court recently held that the mandatory requirement to reimburse cities and counties for medical costs of jail

inmates was not limited to the amount of funds available in the LCP-MI.

**Summary of Bill:** The Department of Social and Health Services is required to directly reimburse the provider of emergency or necessary health care to jail inmates in accordance with rates and benefits established by the department, if the inmate is eligible for the department's medical care programs. After payment is made by the department, the financial responsibility for any unpaid balance, including the deductible that is necessary for client eligibility for the program, is divided equally between the medical care provider and the local government unless the medical care provider and local government have reached a different agreement for sharing the unpaid balance. Total payments from all sources to the medical care providers cannot exceed the amount that the department would have paid if the inmate was eligible for Title XIX Medicaid, unless additional resources are obtained from the inmate.

A city or county is required, as part of the booking process for an inmate for jail, to obtain information concerning the inmate's ability to pay for medical care. This information must be made available to the department, the local government, and the provider of medical care.

Nothing precludes civil or criminal remedies from being pursued to recover the costs of medical care provided to jail inmates. A court may order a defendant to pay all or part of medical costs incurred while in jail as part of a sentence.

**Fiscal Note:** Requested.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Testimony For:** An equitable sharing of medical costs should be worked out between the state, local governments, and the hospitals.

**Testimony Against:** The Legislature should not reverse opinions of the state Supreme Court lightly. The state should pay the full medical costs of jail inmates. Medical costs can be expensive for small jurisdictions.

**Witnesses:** Jim Peterson, Department of Social and Health Services (pro); Kurt Sharar, Washington State Association of Counties (pro); Stan Finklestein, Association of Washington Cities (pro); Len Eddinger, Washington State Medical Association (pro); Greg Vigdor, Washington State Hospital

Association (pro); Rick Wickman, Washington Dental  
Association (pro); Dennis DeFelice, Franklin County  
Prosecutor (con).