

**SENATE BILL REPORT**

**SHB 1469**

**AS REPORTED BY COMMITTEE ON HEALTH & HUMAN SERVICES,  
MARCH 29, 1993**

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

**HOUSE COMMITTEE ON CORRECTIONS**

**SENATE COMMITTEE ON HEALTH & HUMAN SERVICES**

**Majority Report:** Do pass as amended.

Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, McDonald, Moyer, Niemi, Prentice, Quigley, Sheldon, L. Smith, and Winsley.

**Staff:** Scott Plack (786-7409)

**Hearing Dates:** March 29, 1993

**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 if they are eligible for state medical assistance.

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:**

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 assistance 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. 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.

**SUMMARY OF PROPOSED SENATE AMENDMENT:**

The governing unit and the medical care provider are permitted to share financial responsibility as they may mutually agree. In the absence of any agreement, such costs would be borne equally as the bill provides.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** requested

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

**TESTIMONY FOR:**

The issue of responsibility for inmate medical care costs has been around for sometime. The bill provides a solution that local governments, health care providers and DSHS have agreed to. It also addresses a financial problem for DSHS that was created by a Supreme Court ruling. The ruling requires DSHS to pay the full medical care costs of inmates. It does not allow them to reimburse medical care providers at a lower rate which the agency normally pays for medical care services funded through the Medically Indigent program. The bill will allow DSHS to continue to pay the lower rate.

**TESTIMONY AGAINST:** None

**TESTIFIED:** PRO: Carl Nelson, WSMA; Kurt Sharar, WA State Assn. of Counties; Jim Peterson, Medical Assistance DSHS; Greg Vigdor, WA State Hospital Assn.