
SUBSTITUTE HOUSE BILL 3010

State of Washington

55th Legislature

1998 Regular Session

By House Committee on Children & Family Services (originally sponsored by Representatives Dickerson, Cooke and Mitchell)

Read first time 02/06/98. Referred to Committee on .

1 AN ACT Relating to family planning for incarcerated women; and
2 amending RCW 70.48.130 and 74.50.050.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 70.48.130 and 1993 c 409 s 1 are each amended to read
5 as follows:

6 It is the intent of the legislature that all jail inmates receive
7 appropriate and cost-effective emergency and necessary medical care.
8 For women of childbearing age, necessary medical care includes access
9 to birth control and family planning services as defined in RCW
10 74.50.050(4). Governing units, the department of social and health
11 services, and medical care providers shall cooperate to achieve the
12 best rates consistent with adequate care.

13 Payment for emergency or necessary health care shall be by the
14 governing unit, except that the department of social and health
15 services shall directly reimburse the provider pursuant to chapter
16 74.09 RCW, in accordance with the rates and benefits established by the
17 department, if the confined person is eligible under the department's
18 medical care programs as authorized under chapter 74.09 RCW. After
19 payment by the department, the financial responsibility for any

1 remaining balance, including unpaid client liabilities that are a
2 condition of eligibility or participation under chapter 74.09 RCW,
3 shall be borne by the medical care provider and the governing unit as
4 may be mutually agreed upon between the medical care provider and the
5 governing unit. In the absence of mutual agreement between the medical
6 care provider and the governing unit, the financial responsibility for
7 any remaining balance shall be borne equally between the medical care
8 provider and the governing unit. Total payments from all sources to
9 providers for care rendered to confined persons eligible under chapter
10 74.09 RCW shall not exceed the amounts that would be paid by the
11 department for similar services provided under Title XIX medicaid,
12 unless additional resources are obtained from the confined person.

13 As part of the screening process upon booking or preparation of an
14 inmate into jail, general information concerning the inmate's ability
15 to pay for medical care shall be identified, including insurance or
16 other medical benefits or resources to which an inmate is entitled.
17 This information shall be made available to the department, the
18 governing unit, and any provider of health care services.

19 The governing unit or provider may obtain reimbursement from the
20 confined person for the cost of health care services not provided under
21 chapter 74.09 RCW, including reimbursement from any insurance program
22 or from other medical benefit programs available to the confined
23 person. Nothing in this chapter precludes civil or criminal remedies
24 to recover the costs of medical care provided jail inmates or paid for
25 on behalf of inmates by the governing unit. As part of a judgment and
26 sentence, the courts are authorized to order defendants to repay all or
27 part of the medical costs incurred by the governing unit or provider
28 during confinement.

29 To the extent that a confined person is unable to be financially
30 responsible for medical care and is ineligible for the department's
31 medical care programs under chapter 74.09 RCW, or for coverage from
32 private sources, and in the absence of an interlocal agreement or other
33 contracts to the contrary, the governing unit may obtain reimbursement
34 for the cost of such medical services from the unit of government whose
35 law enforcement officers initiated the charges on which the person is
36 being held in the jail: PROVIDED, That reimbursement for the cost of
37 such services shall be by the state for state prisoners being held in
38 a jail who are accused of either escaping from a state facility or of
39 committing an offense in a state facility.

1 There shall be no right of reimbursement to the governing unit from
2 units of government whose law enforcement officers initiated the
3 charges for which a person is being held in the jail for care provided
4 after the charges are disposed of by sentencing or otherwise, unless by
5 intergovernmental agreement pursuant to chapter 39.34 RCW.

6 Under no circumstance shall necessary medical services be denied or
7 delayed because of disputes over the cost of medical care or a
8 determination of financial responsibility for payment of the costs of
9 medical care provided to confined persons.

10 Nothing in this section shall limit any existing right of any
11 party, governing unit, or unit of government against the person
12 receiving the care for the cost of the care provided.

13 **Sec. 2.** RCW 74.50.050 and 1989 1st ex.s. c 18 s 5 are each amended
14 to read as follows:

15 (1) The department shall establish a treatment program to provide,
16 within available funds, alcohol and drug treatment services for
17 indigent persons eligible under this chapter. The treatment services
18 shall include access to and provision of family planning services. The
19 treatment services may include but are not limited to:

20 (a) Intensive inpatient treatment services;

21 (b) Recovery house treatment;

22 (c) Outpatient treatment and counseling, including assistance in
23 obtaining employment, and including a living allowance while undergoing
24 outpatient treatment. The living allowance may not be used to provide
25 shelter to clients in a dormitory setting that does not require
26 sobriety as a condition of residence. The living allowance shall be
27 administered on the clients' behalf by the outpatient treatment
28 facility or other social service agency designated by the department.
29 The department is authorized to pay the facility a fee for
30 administering this allowance.

31 (2) No individual may receive treatment services under this section
32 for more than six months in any two-year period: PROVIDED, That the
33 department may approve additional treatment and/or living allowance as
34 an exception.

35 (3) The department may require an applicant or recipient selecting
36 treatment to complete inpatient and recovery house treatment when, in
37 the judgment of a designated assessment center, such treatment is
38 necessary prior to providing the outpatient program.

1 (4) "Family planning services" means the process of limiting or
2 spacing the birth of children. The process may include the provision
3 of acceptable and effective education, counseling, reproductive health
4 care, testing, and services other than pregnancy termination.

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