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SENATE BILL 5964

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State of Washington

59th Legislature

2005 Regular Session

By Senators Honeyford, Brandland, Mulliken, Hewitt and Schoesler

Read first time 02/16/2005. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to medical care for jail inmates; and amending RCW  
2 70.48.130.

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 Governing units, the department of social and health services, and  
9 medical care providers shall cooperate to achieve the best rates  
10 consistent with adequate care.

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

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

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

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

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

1 escaping from a state facility or of committing an offense in a state  
2 facility.

3       There shall be no right of reimbursement to the governing unit from  
4 units of government whose law enforcement officers initiated the  
5 charges for which a person is being held in the jail for care provided  
6 after the charges are disposed of by sentencing or otherwise, unless by  
7 intergovernmental agreement pursuant to chapter 39.34 RCW; except that  
8 when state law enforcement officers initiate the charges for which a  
9 person is ordered to serve a sentence in the jail, the state shall  
10 reimburse the governing unit for care provided to that person whether  
11 pretrial or during the term of the sentence.

12       Under no circumstance shall necessary medical services be denied or  
13 delayed because of disputes over the cost of medical care or a  
14 determination of financial responsibility for payment of the costs of  
15 medical care provided to confined persons.

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

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