

E2SSB 5930 - H AMD TO H AMD (H-3526.3/07) 760  
By Representative Curtis

ADOPTED 04/12/2007

1 On page 92, after line 5 of the amendment, insert the following:

2 "Sec. 79. RCW 70.48.130 and 1993 c 409 s 1 are each amended to  
3 read as follows:

4 It is the intent of the legislature that all jail inmates receive  
5 appropriate and cost-effective emergency and necessary medical care.  
6 Governing units, the department of social and health services, and  
7 medical care providers shall cooperate to achieve the best rates  
8 consistent with adequate care.

9 Payment for emergency or necessary health care shall be by the  
10 governing unit, except that the department of social and health  
11 services shall directly reimburse the provider pursuant to chapter  
12 74.09 RCW, in accordance with the rates and benefits established by the  
13 department, if the confined person is eligible under the department's  
14 medical care programs as authorized under chapter 74.09 RCW. After  
15 payment by the department, the financial responsibility for any  
16 remaining balance, including unpaid client liabilities that are a  
17 condition of eligibility or participation under chapter 74.09 RCW,  
18 shall be borne by the medical care provider and the governing unit as  
19 may be mutually agreed upon between the medical care provider and the  
20 governing unit. In the absence of mutual agreement between the medical  
21 care provider and the governing unit, the financial responsibility for  
22 any remaining balance shall be borne equally between the medical care  
23 provider and the governing unit. Total payments from all sources to  
24 providers for care rendered to confined persons eligible under chapter  
25 74.09 RCW shall not exceed the amounts that would be paid by the  
26 department for similar services provided under Title XIX medicaid,  
27 unless additional resources are obtained from the confined person.

28 As part of the screening process upon booking or preparation of an  
29 inmate into jail, general information concerning the inmate's ability  
30 to pay for medical care shall be identified, including insurance or

1 other medical benefits or resources to which an inmate is entitled.  
2 This information shall be made available to the department, the  
3 governing unit, and any provider of health care services.

4 The governing unit or provider may obtain reimbursement from the  
5 confined person for the cost of health care services not provided under  
6 chapter 74.09 RCW, including reimbursement from any insurance program  
7 or from other medical benefit programs available to the confined  
8 person. Nothing in this chapter precludes civil or criminal remedies  
9 to recover the costs of medical care provided jail inmates or paid for  
10 on behalf of inmates by the governing unit. As part of a judgment and  
11 sentence, the courts are authorized to order defendants to repay all or  
12 part of the medical costs incurred by the governing unit or provider  
13 during confinement.

14 To the extent that a confined person is unable to be financially  
15 responsible for medical care and is ineligible for the department's  
16 medical care programs under chapter 74.09 RCW, or for coverage from  
17 private sources, and in the absence of an interlocal agreement or other  
18 contracts to the contrary, the governing unit may obtain reimbursement  
19 for the cost of such medical services from the unit of government  
20 (~~whose law enforcement officers~~) that initiated the charges on which  
21 the person is being held in the jail: PROVIDED, That reimbursement for  
22 the cost of such services shall be by the state for state prisoners  
23 being held in a jail who are accused of either escaping from a state  
24 facility or of committing an offense in a state facility. If a  
25 confined person is unable to be financially responsible for medical  
26 care and is ineligible for the department's medical care programs under  
27 chapter 74.09 RCW, the rate charged for any medical care provided by a  
28 health care provider shall not exceed one hundred sixty percent of the  
29 medicaid rates for such service.

30 There shall be no right of reimbursement to the governing unit from  
31 units of government (~~whose law enforcement officers~~) that initiated  
32 the charges for which a person is being held in the jail for care  
33 provided after the charges are disposed of by sentencing or otherwise,  
34 unless by intergovernmental agreement pursuant to chapter 39.34 RCW.

35 Under no circumstance shall necessary medical services be denied or  
36 delayed because of disputes over the cost of medical care or a  
37 determination of financial responsibility for payment of the costs of  
38 medical care provided to confined persons.

1        Nothing in this section shall limit any existing right of any  
2 party, governing unit, or unit of government against the person  
3 receiving the care for the cost of the care provided."

4        Renumber the remaining sections consecutively.

5        On page 93, after line 10 of the amendment, insert the following:

6        "NEW SECTION.    **Sec. 87.** Section 79 of this act expires June 30,  
7 2009."

EFFECT:       Clarifies that the unit of government that initiates charges causing a person to be incarcerated will be responsible for any medical services provided to the inmate. The rate charged for medical care provided by a health care provider to an inmate will not exceed 160% of the Medicaid rate for such service.

--- END ---