

HB 2803 - S AMD 297

By Senators Stevens, Hargrove

ADOPTED 03/08/2012

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 72.10.020 and 1995 1st sp.s. c 19 s 17 are each
4 amended to read as follows:

5 (1) Upon entry into the correctional system, offenders shall
6 receive an initial medical examination. The department shall prepare
7 a health profile for each offender that includes at least the following
8 information: (a) An identification of the offender's serious medical
9 and dental needs; (b) an evaluation of the offender's capacity for work
10 and recreation; and (c) a financial assessment of the offender's
11 ability to pay for all or a portion of his or her health care services
12 from personal resources or private insurance.

13 (2)(a) The department may develop and implement a plan for the
14 delivery of health care services and personal hygiene items to
15 offenders in the department's correctional facilities, at the
16 discretion of the secretary, and in conformity with federal law.

17 (b) To discourage unwarranted use of health care services caused by
18 unnecessary visits to health care providers, offenders shall
19 participate in the costs of their health care services by paying an
20 amount that is commensurate with their resources as determined by the
21 department, or a nominal amount of no less than (~~three~~) four dollars
22 per visit, as determined by the secretary. Under the authority granted
23 in RCW 72.01.050(2), the secretary may authorize the superintendent to
24 collect this amount directly from an offender's institution account.
25 All copayments collected from offenders' institution accounts shall be
26 (~~deposited into the general fund~~) a reduction in the expenditures for
27 offender health care at the department.

28 (c) Offenders are required to make copayments for initial health
29 care visits that are offender initiated and, by rule adopted by the
30 department, may be charged a copayment for subsequent visits related to

1 the medical condition which caused the initial visit. (~~Offenders are~~
2 ~~not required to pay for emergency treatment or for visits initiated by~~
3 ~~health care staff or treatment of those conditions that constitute a~~
4 ~~serious health care need.))~~

5 (d) No offender may be refused any health care service because of
6 indigence.

7 (e) At no time shall the withdrawal of funds for the payment of a
8 medical service copayment result in reducing an offender's institution
9 account to an amount less than the level of indigency as defined in
10 chapter 72.09 RCW.

11 (3)(~~(a)~~) The department shall report annually to the legislature
12 the following information for the fiscal year preceding the report:
13 (~~(i)~~) (a) The total number of health care visits made by offenders;
14 (~~(ii)~~) (b) the total number of copayments assessed; (~~(iii)~~) (c) the
15 total dollar amount of copayments collected; (~~(iv)~~) (d) the total
16 number of copayments not collected due to an offender's indigency; and
17 (~~(v)~~) (e) the total number of copayments not assessed due to the
18 serious or emergent nature of the health care treatment or because the
19 health care visit was not offender initiated.

20 (~~(b) The first report required under this section shall be~~
21 ~~submitted not later than October 1, 1996, and shall include, at a~~
22 ~~minimum, all available information collected through the second half of~~
23 ~~fiscal year 1996. This subsection (3)(b) shall expire December 1,~~
24 ~~1996.))~~

25 (4)(a) The secretary shall adopt, by rule, a uniform policy
26 relating to the distribution and replenishment of personal hygiene
27 items for inmates incarcerated in all department institutions. The
28 policy shall provide for the initial distribution of adequate personal
29 hygiene items to inmates upon their arrival at an institution.

30 (b) The acquisition of replenishment personal hygiene items is the
31 responsibility of inmates, except that indigent inmates shall not be
32 denied adequate personal hygiene items based on their inability to pay
33 for them.

34 (c) The policy shall provide that the replenishment personal
35 hygiene items be distributed to inmates only in authorized quantities
36 and at intervals that reflect prudent use and customary wear and
37 consumption of the items.

1 (5) To the extent that federal law allows and federal financial
2 participation is available, for the limited purpose of implementing
3 this section, the department, or the department's designee, is
4 authorized to act on behalf of an inmate for purposes of applying for
5 medicaid eligibility.

6 (6) The following become a debt and are subject to RCW 72.09.450:

7 (a) All copayments under subsection (2) of this section that are
8 not collected when the visit occurs; and

9 (b) All charges for replenishment personal hygiene items that are
10 not collected when the item is distributed.

11 **Sec. 2.** RCW 72.10.030 and 1989 c 157 s 4 are each amended to read
12 as follows:

13 (1) Notwithstanding any other provisions of law, the secretary may
14 enter into contracts with health care practitioners, health care
15 facilities, and other entities or agents as may be necessary to provide
16 ~~((basic))~~ medical, behavioral health, and chemical dependency treatment
17 care to inmates. The contracts shall not cause the termination of
18 classified employees of the department rendering the services at the
19 time the contract is executed.

20 (2) In contracting for services, the secretary is authorized to
21 provide for indemnification of health care practitioners who cannot
22 obtain professional liability insurance through reasonable effort, from
23 liability on any action, claim, or proceeding instituted against them
24 arising out of the good faith performance or failure of performance of
25 services on behalf of the department. The contracts may provide that
26 for the purposes of chapter 4.92 RCW only, those health care
27 practitioners with whom the department has contracted shall be
28 considered state employees.

29 (3) Providers of hospital services that are hospitals licensed
30 under chapter 70.41 RCW shall contract with the department for
31 inpatient, outpatient, and ancillary services if deemed appropriate by
32 the department. Payments to hospitals shall conform to the following
33 requirements:

34 (a) The department shall pay hospitals through the provider one
35 system operated by the Washington state health care authority;

36 (b) The department shall reimburse the hospitals using the
37 reimbursement methodology in use by the state medicaid program; and

1 (c) The department shall only reimburse a provider of hospital
2 services to a hospital patient at a rate no more than the amount
3 payable under the medicaid reimbursement structure plus a percentage
4 increase that is determined in the operating budget, regardless of
5 whether the hospital is located within or outside of Washington.

6 NEW SECTION. Sec. 3. A new section is added to chapter 70.41 RCW
7 to read as follows:

8 As a condition of licensure, a hospital must contract with the
9 department of corrections pursuant to RCW 72.10.030."

HB 2803 - S AMD

By Senators Stevens, Hargrove

ADOPTED 03/08/2012

10 On page 1, line 4 of the title, after "offenders;" strike the
11 remainder of the title and insert "amending RCW 72.10.020 and
12 72.10.030; and adding a new section to chapter 70.41 RCW."

EFFECT: Requires DOC to reimburse a provider of hospital services
at the Medicaid reimbursement rate plus a percentage as determined in
the operating budget.

--- END ---