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HOUSE BILL 3010

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State of Washington

55th Legislature

1998 Regular Session

By Representatives Dickerson, Cooke and Mitchell

Read first time 01/27/98. Referred to Committee on Children & Family Services.

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. Governing units, the  
10 department of social and health services, and medical care providers  
11 shall cooperate to achieve the best rates consistent with adequate  
12 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

1 the judgment of a designated assessment center, such treatment is  
2 necessary prior to providing the outpatient program.

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