
SUBSTITUTE HOUSE BILL 1911

State of Washington 63rd Legislature 2013 Regular Session

By House Appropriations (originally sponsored by Representatives Alexander and Cody)

READ FIRST TIME 03/01/13.

1 AN ACT Relating to health care services for inmates in city,
2 county, and regional jails; amending RCW 70.48.130; and adding a new
3 section to chapter 70.41 RCW.

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

5 **Sec. 1.** RCW 70.48.130 and 2011 1st sp.s. c 15 s 85 are each
6 amended to read as follows:

7 (1) It is the intent of the legislature that all jail inmates
8 receive appropriate and cost-effective emergency and necessary medical
9 care. Governing units, the health care authority, and medical care
10 providers shall cooperate to achieve the best rates consistent with
11 adequate care.

12 (2) Payment for emergency or necessary health care shall be by the
13 governing unit, except that the health care authority shall directly
14 reimburse the provider pursuant to chapter 74.09 RCW, in accordance
15 with the rates and benefits established by the authority, if the
16 confined person is eligible for medicaid and is admitted as an
17 inpatient in a hospital, nursing facility, juvenile psychiatric
18 facility, or intermediate care facility that is not part of the state
19 or local correctional system, or the confined person is otherwise

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

16 (3) Providers of hospital services that are hospitals licensed
17 under chapter 70.41 RCW shall contract with a correctional facility for
18 inpatient, outpatient, and ancillary services if deemed appropriate by
19 the correctional facility. The correctional facility may only
20 reimburse a provider of hospital services at a rate no more than the
21 amount payable under the medicaid reimbursement structure, plus any
22 additional amount provided specifically for this purpose in the state
23 omnibus appropriations act, regardless of whether the hospital is
24 located within or outside of Washington. A correctional facility may
25 contract with the department of corrections, at the correctional
26 facility's expense, to participate in the provider one system operated
27 by the Washington state health care authority for payment of hospital
28 services pursuant to this section.

29 (4) As part of the screening process upon booking or preparation of
30 an inmate into jail, general information concerning the inmate's
31 ability to pay for medical care shall be identified, including
32 insurance or other medical benefits or resources to which an inmate is
33 entitled. This information shall be made available to the authority,
34 the governing unit, and any provider of health care services.

35 ~~((+4))~~ (5) The governing unit or provider may obtain reimbursement
36 from the confined person for the cost of health care services not
37 provided under chapter 74.09 RCW, including reimbursement from any
38 insurance program or from other medical benefit programs available to

1 the confined person. Nothing in this chapter precludes civil or
2 criminal remedies to recover the costs of medical care provided jail
3 inmates or paid for on behalf of inmates by the governing unit. As
4 part of a judgment and sentence, the courts are authorized to order
5 defendants to repay all or part of the medical costs incurred by the
6 governing unit or provider during confinement.

7 ~~((+5))~~ (6) To the extent that a confined person is unable to be
8 financially responsible for medical care and is ineligible for the
9 authority's medical care programs under chapter 74.09 RCW, or for
10 coverage from private sources, and in the absence of an interlocal
11 agreement or other contracts to the contrary, the governing unit may
12 obtain reimbursement for the cost of such medical services from the
13 unit of government whose law enforcement officers initiated the charges
14 on which the person is being held in the jail: PROVIDED, That
15 reimbursement for the cost of such services shall be by the state for
16 state prisoners being held in a jail who are accused of either escaping
17 from a state facility or of committing an offense in a state facility.

18 ~~((+6))~~ (7) There shall be no right of reimbursement to the
19 governing unit from units of government whose law enforcement officers
20 initiated the charges for which a person is being held in the jail for
21 care provided after the charges are disposed of by sentencing or
22 otherwise, unless by intergovernmental agreement pursuant to chapter
23 39.34 RCW.

24 ~~((+7))~~ (8) Under no circumstance shall necessary medical services
25 be denied or delayed because of disputes over the cost of medical care
26 or a determination of financial responsibility for payment of the costs
27 of medical care provided to confined persons.

28 ~~((+8))~~ (9) Nothing in this section shall limit any existing right
29 of any party, governing unit, or unit of government against the person
30 receiving the care for the cost of the care provided.

31 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.41 RCW
32 to read as follows:

33 As a condition of licensure, a hospital must contract with a
34 correctional facility as defined in RCW 70.48.020 if a contract is
35 requested by a correctional facility pursuant to the provisions of this

1 act.

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