
HOUSE BILL 2396

State of Washington

53rd Legislature

1994 Regular Session

By Representatives Orr, Morris, Sommers, Dellwo, Padden, Conway, Linville, Kremen, Chandler, Foreman, Lisk, Long, Johanson, Silver, Cothorn, Kessler, J. Kohl, Chappell, Romero, Holm, Jones, Sheldon, Eide, Rayburn, L. Johnson, Springer and H. Myers

Read first time 01/14/94. Referred to Committee on Corrections.

1 AN ACT Relating to medical care for inmates; amending RCW
2 70.48.130; and adding a new section to chapter 72.10 RCW.

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 (1) in addition to any other financial
13 responsibility for medical care the confined person may have under this
14 chapter, the confined person shall be responsible for a payment of one
15 dollar per medical encounter, consistent with section 2 of this act,
16 and (2) the department of social and health services shall directly
17 reimburse the provider pursuant to chapter 74.09 RCW, in accordance
18 with the rates and benefits established by the department, if the
19 confined person is eligible under the department's medical care

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

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

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

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

1 a jail who are accused of either escaping from a state facility or of
2 committing an offense in a state 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.

8 Under no circumstance shall necessary medical services be denied or
9 delayed because the confined person is unable to pay, or because of
10 disputes over the cost of medical care or a determination of financial
11 responsibility for payment of the costs of medical care provided to
12 confined persons.

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

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 72.10 RCW
17 to read as follows:

18 Any health care services plan provided to inmates by the department
19 shall require the inmate to be responsible for a payment of one dollar
20 per medical encounter, in addition to any other financial
21 responsibility the inmate may have for medical care. Any subsequent
22 encounters ordered by the attending health care provider directly
23 related to the original diagnosis shall not require that a one dollar
24 encounter fee be charged to the offender. Mental health encounters and
25 medical encounters required for the dispensation of prescribed
26 pharmaceuticals shall not be subject to the one dollar medical
27 encounter fee. The payment shall be deducted from the personal account
28 of the inmate or paid in person. Necessary medical services may not be
29 denied due to lack of funds in the inmate's personal account.

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