
SENATE BILL 5190

State of Washington

55th Legislature

1997 Regular Session

By Senators Goings, Long, Hargrove, Zarelli, Bauer, Schow, Oke, Winsley, McCaslin, Rasmussen and Haugen

Read first time 01/17/97. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to health care services for offenders sentenced to
2 death; and amending RCW 72.10.020.

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

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

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

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

18 (b) To discourage unwarranted use of health care services caused by
19 unnecessary visits to health care providers, offenders shall

1 participate in the costs of their health care services by paying a
2 nominal amount of no less than three dollars per visit, as determined
3 by the secretary. Under the authority granted in RCW 72.01.050(2), the
4 secretary may authorize the superintendent to collect this amount
5 directly from an offender's institution account. All copayments
6 collected from offenders' institution accounts shall be deposited into
7 the general fund.

8 (c) Offenders are required to make copayments for initial health
9 care visits that are offender initiated and, by rule adopted by the
10 department, may be charged a copayment for subsequent visits related to
11 the medical condition which caused the initial visit. Offenders are
12 not required to pay for emergency treatment or for visits initiated by
13 health care staff or treatment of those conditions that constitute a
14 serious health care need.

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

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

21 (f) The plan for the delivery of health care services shall not
22 include, nor shall any public funds be expended for, organ transplant
23 services for any offender who has been sentenced to death under chapter
24 10.95 RCW. The prohibition of this subsection (2)(f) remains in effect
25 regardless of any pending appeals unless the sentence is commuted by
26 the governor, or held to be invalid by a final judgment of a court
27 after all avenues of appeal have been exhausted by the parties to the
28 action, or if the death penalty established by chapter 10.95 RCW is
29 held to be invalid by a final judgment of a court that is binding on
30 all courts in the state.

31 (3)(a) The department shall report annually to the legislature the
32 following information for the fiscal year preceding the report: (i)
33 The total number of health care visits made by offenders; (ii) the
34 total number of copayments assessed; (iii) the total dollar amount of
35 copayments collected; (iv) the total number of copayments not collected
36 due to an offender's indigency; and (v) the total number of copayments
37 not assessed due to the serious or emergent nature of the health care
38 treatment or because the health care visit was not offender initiated.

1 (b) The first report required under this section shall be submitted
2 not later than October 1, 1996, and shall include, at a minimum, all
3 available information collected through the second half of fiscal year
4 1996. This subsection (3)(b) shall expire December 1, 1996.

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

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

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

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

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

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

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