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**SUBSTITUTE SENATE BILL 5190**

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**State of Washington**

**55th Legislature**

**1997 Regular Session**

**By** Senate Committee on Human Services & Corrections (originally sponsored by Senators Goings, Long, Hargrove, Zarelli, Bauer, Schow, Oke, Winsley, McCaslin, Rasmussen and Haugen)

Read first time 02/21/97.

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, unless the secretary documents that: (i) Providing the  
25 service is the most cost-effective alternative for treating an  
26 individual offender's serious medical needs; and (ii) the organ  
27 available for transplant could not reasonably be utilized by a  
28 noninmate. The prohibition of this subsection (2)(f) remains in effect  
29 unless: (A) The death sentence is invalidated by a court of competent  
30 jurisdiction or commuted by the governor; (B) the case is remanded for  
31 retrial or resentencing; or (C) the death penalty established by  
32 chapter 10.95 RCW is invalidated by a final judgment of a court that is  
33 binding on all courts in the state. For the purposes of this  
34 subsection (2)(f), "organ transplant services" do not include blood or  
35 blood derivatives that might be transfused, or skin.

36 (3)(a) The department shall report annually to the legislature the  
37 following information for the fiscal year preceding the report: (i)  
38 The total number of health care visits made by offenders; (ii) the  
39 total number of copayments assessed; (iii) the total dollar amount of

1 copayments collected; (iv) the total number of copayments not collected  
2 due to an offender's indigency; and (v) the total number of copayments  
3 not assessed due to the serious or emergent nature of the health care  
4 treatment or because the health care visit was not offender initiated.

5 (b) The first report required under this section shall be submitted  
6 not later than October 1, 1996, and shall include, at a minimum, all  
7 available information collected through the second half of fiscal year  
8 1996. This subsection (3)(b) shall expire December 1, 1996.

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

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

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

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

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

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

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