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SENATE BILL 5792

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State of Washington

63rd Legislature

2013 Regular Session

By Senators Honeyford, Keiser, and Becker

Read first time 02/15/13. Referred to Committee on Health Care .

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 under the authority's medical care programs  
17 as authorized under chapter 74.09 RCW. After payment by the authority,  
18 the financial responsibility for any remaining balance, including  
19 unpaid client liabilities that are a condition of eligibility or

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

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

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

30 ~~((+4))~~ (5) The governing unit or provider may obtain reimbursement  
31 from the confined person for the cost of health care services not  
32 provided under chapter 74.09 RCW, including reimbursement from any  
33 insurance program or from other medical benefit programs available to  
34 the confined person. Nothing in this chapter precludes civil or  
35 criminal remedies to recover the costs of medical care provided jail  
36 inmates or paid for on behalf of inmates by the governing unit. As  
37 part of a judgment and sentence, the courts are authorized to order

1 defendants to repay all or part of the medical costs incurred by the  
2 governing unit or provider during confinement.

3 ~~((+5))~~ (6) To the extent that a confined person is unable to be  
4 financially responsible for medical care and is ineligible for the  
5 authority's medical care programs under chapter 74.09 RCW, or for  
6 coverage from private sources, and in the absence of an interlocal  
7 agreement or other contracts to the contrary, the governing unit may  
8 obtain reimbursement for the cost of such medical services from the  
9 unit of government whose law enforcement officers initiated the charges  
10 on which the person is being held in the jail: PROVIDED, That  
11 reimbursement for the cost of such services shall be by the state for  
12 state prisoners being held in a jail who are accused of either escaping  
13 from a state facility or of committing an offense in a state facility.

14 ~~((+6))~~ (7) There shall be no right of reimbursement to the  
15 governing unit from units of government whose law enforcement officers  
16 initiated the charges for which a person is being held in the jail for  
17 care provided after the charges are disposed of by sentencing or  
18 otherwise, unless by intergovernmental agreement pursuant to chapter  
19 39.34 RCW.

20 ~~((+7))~~ (8) Under no circumstance shall necessary medical services  
21 be denied or delayed because of disputes over the cost of medical care  
22 or a determination of financial responsibility for payment of the costs  
23 of medical care provided to confined persons.

24 ~~((+8))~~ (9) Nothing in this section shall limit any existing right  
25 of any party, governing unit, or unit of government against the person  
26 receiving the care for the cost of the care provided.

27 NEW SECTION. Sec. 2. A new section is added to chapter 70.41 RCW  
28 to read as follows:

29 As a condition of licensure, a hospital must contract with a  
30 correctional facility as defined in RCW 70.48.020.

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