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SENATE BILL 5311

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State of Washington

53rd Legislature

1993 Regular Session

By Senators Talmadge and Deccio

Read first time 01/22/93. Referred to Committee on Health & Human Services.

1 AN ACT Relating to health care services for persons under the  
2 supervision of the department of corrections; and amending RCW  
3 72.10.005, 72.10.010, 72.10.020, and 72.10.030.

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

5 **Sec. 1.** RCW 72.10.005 and 1989 c 157 s 1 are each amended to read  
6 as follows:

7 It is the intent of the legislature that inmates in the custody of  
8 the department of corrections and offenders in the department of  
9 corrections' work release, prerelease, or partial confinement programs  
10 receive such basic medical services as may be mandated by the federal  
11 Constitution and the Constitution of the state of Washington.  
12 Notwithstanding any other laws, it is the further intent of the  
13 legislature that the department of corrections may contract directly  
14 with any persons, firms, agencies, or corporations qualified to provide  
15 such services. Nothing in this chapter is to be construed to authorize  
16 a reduction in state employment in service component areas presently  
17 rendering such services or to preclude work typically and historically  
18 performed by department employees.

1       **Sec. 2.** RCW 72.10.010 and 1989 c 157 s 2 are each amended to read  
2 as follows:

3       As used in this chapter:

4       (1) "Department" means the department of corrections.

5       (2) "Health care practitioner" means an individual or firm licensed  
6 or certified to actively engage in a regulated health profession.

7       (3) "Health profession" means and includes those licensed or  
8 regulated professions set forth in RCW 18.120.020(4).

9       (4) "Health care facility" means any hospital, hospice care center,  
10 licensed or certified health care facility, health maintenance  
11 organization regulated under chapter 48.46 RCW, federally qualified  
12 health maintenance organization, renal dialysis center or facility  
13 federally approved under 42 CFR 405.2100, or blood bank federally  
14 licensed under 21 CFR 607.

15       (5) "Health care services" means and includes medical, dental, and  
16 mental health care services.

17       (6) "Partial confinement" is as defined in RCW 9.94A.030.

18       (7) "Prerelease" is that portion of an offender's sentence of  
19 confinement that is spent at the department's prerelease facilities,  
20 Tacoma Prerelease or Pinelodge Prerelease.

21       (8) "Secretary" means the secretary of the department of  
22 corrections.

23       (9) "Work release" is as defined in RCW 9.94A.030.

24       **Sec. 3.** RCW 72.10.020 and 1989 c 157 s 3 are each amended to read  
25 as follows:

26       The department may develop and implement a health services plan for  
27 the delivery of health care services to inmates in the department's  
28 custody and offenders in the department's work release, prerelease, or  
29 partial confinement programs, at the discretion of the secretary.

30       **Sec. 4.** RCW 72.10.030 and 1989 c 157 s 4 are each amended to read  
31 as follows:

32       (1) Notwithstanding any other provisions of law, the secretary may  
33 enter into contracts with health care practitioners, health care  
34 facilities, and other entities or agents as may be necessary to provide  
35 basic medical care to inmates and offenders in the department's work  
36 release, prerelease, or partial confinement programs. The contracts

1 shall not cause the termination of classified employees of the  
2 department rendering the services at the time the contract is executed.  
3 (2) In contracting for services, the secretary is authorized to  
4 provide for indemnification of health care practitioners who cannot  
5 obtain professional liability insurance through reasonable effort, from  
6 liability on any action, claim, or proceeding instituted against them  
7 arising out of the good faith performance or failure of performance of  
8 services on behalf of the department. The contracts may provide that  
9 for the purposes of chapter 4.92 RCW only, those health care  
10 practitioners with whom the department has contracted shall be  
11 considered state employees.

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