

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1469

Chapter 409, Laws of 1993

53rd Legislature
1993 Regular Session

JAIL INMATE MEDICAL COSTS--RESPONSIBILITY

EFFECTIVE DATE: 5/15/93

Passed by the House April 20, 1993
Yeas 72 Nays 25

BRIAN EBERSOLE
**Speaker of the
House of Representatives**

Passed by the Senate April 14, 1993
Yeas 44 Nays 0

JOEL PRITCHARD
President of the Senate

Approved May 15, 1993

MIKE LOWRY
Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1469** as passed by the House of Representatives and the Senate on the dates hereon set forth.

ALAN THOMPSON
Chief Clerk

FILED

May 15, 1993 - 1:24 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1469

AS AMENDED BY THE SENATE

Passed Legislature - 1993 Regular Session

State of Washington 53rd Legislature 1993 Regular Session

By House Committee on Corrections (originally sponsored by Representatives L. Johnson, Morris, Long and Thibaudeau)

Read first time 03/01/93.

1 AN ACT Relating to reimbursement of medical costs for care provided
2 to confined persons; amending RCW 70.48.130; and declaring an
3 emergency.

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

5 **Sec. 1.** RCW 70.48.130 and 1986 c 118 s 9 are each amended to read
6 as follows:

7 It is the intent of the legislature that all jail inmates receive
8 appropriate and cost-effective emergency and necessary medical care.
9 Governing units, the department of social and health services, and
10 medical care providers shall cooperate to achieve the best rates
11 consistent with adequate care.

12 Payment for emergency or necessary health care shall be by the
13 governing unit, except that the department of social and health
14 services shall directly reimburse the ~~((governing unit for the cost~~
15 ~~thereof if the confined person requires treatment for which such person~~
16 ~~is eligible under the department of social and health services' public~~
17 ~~assistance medical program))~~ provider pursuant to chapter 74.09 RCW, in
18 accordance with the rates and benefits established by the department,
19 if the 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 ((emergency and other)) health care
23 ((to the extent that such person is reasonably able to pay for such
24 care)) services not provided under chapter 74.09 RCW, including
25 reimbursement from any insurance program or from other medical benefit
26 programs available to ((such)) the confined person. Nothing in this
27 chapter precludes civil or criminal remedies to recover the costs of
28 medical care provided jail inmates or paid for on behalf of inmates by
29 the governing unit. As part of a judgment and sentence, the courts are
30 authorized to order defendants to repay all or part of the medical
31 costs incurred by the governing unit or provider during confinement.

32 To the extent that a confined person is unable to be financially
33 responsible for medical care and is ineligible for ((financial
34 assistance from the department or from a private source)) the
35 department's medical care programs under chapter 74.09 RCW, or for
36 coverage from private sources, and in the absence of an interlocal
37 agreement or other contracts to the contrary, the governing unit may
38 obtain reimbursement for the cost of such medical services from the
39 unit of government whose law enforcement officers initiated the charges

1 on which the person is being held in the jail: PROVIDED, That
2 reimbursement for the cost of such services shall be by the state for
3 state prisoners being held in a jail who are accused of either escaping
4 from a state facility or of committing an offense in a state facility.

5 There shall be no right of reimbursement to the governing unit from
6 units of government whose law enforcement officers initiated the
7 charges for which a person is being held in the jail for care provided
8 after the charges are disposed of by sentencing or otherwise, unless by
9 intergovernmental agreement pursuant to chapter 39.34 RCW.

10 ~~((This section is not intended to limit or change any existing
11 right of any party, governing unit, or unit of government against the
12 person receiving the care for the cost of the care provided or paid
13 for.))~~

14 Under no circumstance shall necessary medical services be denied or
15 delayed ~~((pending))~~ because of disputes over the cost of medical care
16 or a determination of financial responsibility for payment of the costs
17 of medical care provided to confined persons.

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

21 NEW SECTION. Sec. 2. This act is necessary for the immediate
22 preservation of the public peace, health, or safety, or support of the
23 state government and its existing public institutions, and shall take
24 effect immediately.

Passed the House April 20, 1993.

Passed the Senate April 14, 1993.

Approved by the Governor May 15, 1993.

Filed in Office of Secretary of State May 15, 1993.