

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2803

Chapter 237, Laws of 2012

62nd Legislature
2012 Regular Session

INCARCERATED OFFENDERS--MEDICAL SERVICES

EFFECTIVE DATE: 06/07/12

Passed by the House March 8, 2012
Yeas 98 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 8, 2012
Yeas 46 Nays 1

BRAD OWEN

President of the Senate

Approved March 30, 2012, 1:12 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2803** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

March 30, 2012

**Secretary of State
State of Washington**

HOUSE BILL 2803

AS AMENDED BY THE SENATE

Passed Legislature - 2012 Regular Session

State of Washington

62nd Legislature

2012 Regular Session

By Representative Cody

Read first time 02/27/12. Referred to Committee on Ways & Means.

1 AN ACT Relating to limiting the rates paid to providers for medical
2 services for incarcerated offenders, increasing the copay on medical
3 services, and authorizing the department of corrections to submit
4 medicaid applications on behalf of incarcerated offenders; amending RCW
5 72.10.020 and 72.10.030; and adding a new section to chapter 70.41 RCW.

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

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

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

17 (2)(a) The department may develop and implement a plan for the
18 delivery of health care services and personal hygiene items to

1 offenders in the department's correctional facilities, at the
2 discretion of the secretary, and in conformity with federal law.

3 (b) To discourage unwarranted use of health care services caused by
4 unnecessary visits to health care providers, offenders shall
5 participate in the costs of their health care services by paying an
6 amount that is commensurate with their resources as determined by the
7 department, or a nominal amount of no less than ~~((three))~~ four dollars
8 per visit, as determined by the secretary. Under the authority granted
9 in RCW 72.01.050(2), the secretary may authorize the superintendent to
10 collect this amount directly from an offender's institution account.
11 All copayments collected from offenders' institution accounts shall be
12 ~~((deposited into the general fund))~~ a reduction in the expenditures for
13 offender health care at the department.

14 (c) Offenders are required to make copayments for initial health
15 care visits that are offender initiated and, by rule adopted by the
16 department, may be charged a copayment for subsequent visits related to
17 the medical condition which caused the initial visit. ~~((Offenders are
18 not required to pay for emergency treatment or for visits initiated by
19 health care staff or treatment of those conditions that constitute a
20 serious health care need.))~~

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

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

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

36 ~~((b) - The first report required under this section shall be
37 submitted not later than October 1, 1996, and shall include, at a~~

1 ~~minimum, all available information collected through the second half of~~
2 ~~fiscal year 1996. This subsection (3)(b) shall expire December 1,~~
3 ~~1996.)~~

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

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

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

17 (5) To the extent that federal law allows and federal financial
18 participation is available, for the limited purpose of implementing
19 this section, the department, or the department's designee, is
20 authorized to act on behalf of an inmate for purposes of applying for
21 medicaid eligibility.

22 (6) 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.

27 **Sec. 2.** RCW 72.10.030 and 1989 c 157 s 4 are each amended to read
28 as follows:

29 (1) Notwithstanding any other provisions of law, the secretary may
30 enter into contracts with health care practitioners, health care
31 facilities, and other entities or agents as may be necessary to provide
32 ((basic)) medical, behavioral health, and chemical dependency treatment
33 care to inmates. The contracts shall not cause the termination of
34 classified employees of the department rendering the services at the
35 time the contract is executed.

36 (2) In contracting for services, the secretary is authorized to
37 provide for indemnification of health care practitioners who cannot

1 obtain professional liability insurance through reasonable effort, from
2 liability on any action, claim, or proceeding instituted against them
3 arising out of the good faith performance or failure of performance of
4 services on behalf of the department. The contracts may provide that
5 for the purposes of chapter 4.92 RCW only, those health care
6 practitioners with whom the department has contracted shall be
7 considered state employees.

8 (3) Providers of hospital services that are hospitals licensed
9 under chapter 70.41 RCW shall contract with the department for
10 inpatient, outpatient, and ancillary services if deemed appropriate by
11 the department. Payments to hospitals shall conform to the following
12 requirements:

13 (a) The department shall pay hospitals through the provider one
14 system operated by the Washington state health care authority;

15 (b) The department shall reimburse the hospitals using the
16 reimbursement methodology in use by the state medicaid program; and

17 (c) The department shall only reimburse a provider of hospital
18 services to a hospital patient at a rate no more than the amount
19 payable under the medicaid reimbursement structure plus a percentage
20 increase that is determined in the operating budget, regardless of
21 whether the hospital is located within or outside of Washington.

22 NEW SECTION. Sec. 3. A new section is added to chapter 70.41 RCW
23 to read as follows:

24 As a condition of licensure, a hospital must contract with the
25 department of corrections pursuant to RCW 72.10.030.

Passed by the House March 8, 2012.

Passed by the Senate March 8, 2012.

Approved by the Governor March 30, 2012.

Filed in Office of Secretary of State March 30, 2012.