
HOUSE BILL 2676

State of Washington 65th Legislature 2018 Regular Session

By Representatives Walsh, Irwin, Smith, and Condotta

Read first time 01/12/18. Referred to Committee on Appropriations.

1 AN ACT Relating to the responsibility for payment of medical
2 services for jail inmates; and amending RCW 70.48.130.

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

4 **Sec. 1.** RCW 70.48.130 and 2015 c 267 s 8 are each amended to
5 read as follows:

6 (1) It is the intent of the legislature that all jail inmates
7 receive appropriate and cost-effective emergency and necessary
8 medical care. Governing units, the health care authority, the office
9 of financial management, and medical care providers shall cooperate
10 to achieve the best rates consistent with adequate care.

11 (2) (~~Payment for~~) The provision of emergency or necessary
12 health care shall be (~~by~~) the responsibility of the governing unit.
13 The payment for emergency or necessary health care shall be the
14 responsibility of the office of financial management, except that the
15 health care authority shall directly reimburse the provider pursuant
16 to chapter 74.09 RCW, in accordance with the rates and benefits
17 established by the authority, if the confined person is eligible
18 under the authority's medical care programs as authorized under
19 chapter 74.09 RCW. After payment by the authority for medical care
20 programs, the financial responsibility for any remaining balance,
21 including unpaid client liabilities that are a condition of

1 eligibility or participation under chapter 74.09 RCW, shall be
2 immediately borne by the medical care provider and the governing unit
3 as may be mutually agreed upon between the medical care provider and
4 the governing unit. In the absence of mutual agreement between the
5 medical care provider and the governing unit, the financial
6 responsibility for any remaining balance shall be borne equally
7 between the medical care provider and the governing unit. The office
8 of financial management shall establish a methodology for the
9 quarterly reimbursement of governing units and medical care providers
10 for the financial responsibilities that governing units and medical
11 care providers have borne as a result of the provision of emergency
12 or necessary health care. Total payments from all sources to
13 providers for care rendered to confined persons eligible under
14 chapter 74.09 RCW shall not exceed the amounts that would be paid by
15 the authority for similar services provided under Title XIX medicaid,
16 unless additional resources are obtained from the confined person.

17 (3) For inpatient, outpatient, and ancillary services for
18 confined persons that are not paid by the medicaid program pursuant
19 to subsection (2) of this section, unless other rates are agreed to
20 by the governing unit and the hospital, providers of hospital
21 services that are hospitals licensed under chapter 70.41 RCW must
22 accept as payment in full by the governing units the applicable
23 facility's percent of allowed charges rate or fee schedule as
24 determined, maintained, and posted by the Washington state department
25 of labor and industries pursuant to chapter 51.04 RCW.

26 (4) As part of the screening process upon booking or preparation
27 of an inmate into jail, general information concerning the inmate's
28 ability to pay for medical care shall be identified, including
29 insurance or other medical benefits or resources to which an inmate
30 is entitled. The inmate may also be evaluated for medicaid
31 eligibility and, if deemed potentially eligible, enrolled in
32 medicaid. This information shall be made available to the authority,
33 the governing unit, and any provider of health care services. To the
34 extent that federal law allows, a jail or the jail's designee is
35 authorized to act on behalf of a confined person for purposes of
36 applying for medicaid.

37 (5) The governing unit (~~(or)~~), provider, or the office of
38 financial management may obtain reimbursement from the confined
39 person for the cost of health care services not provided under
40 chapter 74.09 RCW, including reimbursement from any insurance program

1 or from other medical benefit programs available to the confined
2 person. Nothing in this chapter precludes civil or criminal remedies
3 to recover the costs of medical care provided jail inmates or paid
4 for on behalf of inmates by the governing unit. As part of a judgment
5 and sentence, the courts are authorized to order defendants to repay
6 all or part of the medical costs incurred by the governing unit or
7 provider during confinement.

8 ~~(6) ((To the extent that a confined person is unable to be~~
9 ~~financially responsible for medical care and is ineligible for the~~
10 ~~authority's medical care programs under chapter 74.09 RCW, or for~~
11 ~~coverage from private sources, and in the absence of an interlocal~~
12 ~~agreement or other contracts to the contrary, the governing unit may~~
13 ~~obtain reimbursement for the cost of such medical services from the~~
14 ~~unit of government whose law enforcement officers initiated the~~
15 ~~charges on which the person is being held in the jail: PROVIDED, That~~
16 ~~reimbursement for the cost of such services shall be by the state for~~
17 ~~state prisoners being held in a jail who are accused of either~~
18 ~~escaping from a state facility or of committing an offense in a state~~
19 ~~facility.)) In developing a methodology for reimbursing governing~~
20 ~~units and medical care providers, the office of financial management~~
21 ~~shall consult with stakeholders representing local governing units~~
22 ~~and medical care providers. The methodology shall assure that the~~
23 ~~ultimate financial responsibility is borne by the office of financial~~
24 ~~management, that local relationships between governing units and~~
25 ~~medical care providers are preserved, and that there are adequate~~
26 ~~safeguards to assure that payment is only made for appropriate and~~
27 ~~cost-effective emergency and necessary medical care.~~

28 (7) There shall be no right of reimbursement to the governing
29 unit from units of government whose law enforcement officers
30 initiated the charges for which a person is being held in the jail
31 for care provided after the charges are disposed of by sentencing or
32 otherwise, unless by intergovernmental agreement pursuant to chapter
33 39.34 RCW.

34 (8) Under no circumstance shall necessary medical services be
35 denied or delayed because of disputes over the cost of medical care
36 or a determination of financial responsibility for payment of the
37 costs of medical care provided to confined persons.

1 (9) Nothing in this section shall limit any existing right of any
2 party, governing unit, or unit of government against the person
3 receiving the care for the cost of the care provided.

--- END ---