HOUSE BILL 108:
PED/Safekeeper Health Care Cost Recov. Pract.

Committee:	House Rules, Calendar, and Operations of the House	**Date:**	March 25, 2019
Introduced by:	Reps. Horn, Lucas	**Prepared by:**	Kristen L. Harris
Analysis of:	PCS to First Edition H108-CSTU-2		Committee Co-Counsel

OVERVIEW: The Proposed Committee Substitute for House Bill 108 modifies the data collection and cost recovery practices for health care services for safekeepers.

[As introduced, this bill was identical to S118, as introduced by Sens. B. Jackson, Krawiec, Ballard, which is currently in Senate Rules and Operations of the Senate.]

CURRENT LAW:

G.S. 162-39 provides the procedures to be followed when the transfer of prisoners is required for safety and security purposes. Prisoners may also be transferred under this section when medical or mental health needs require care beyond that which is available in the county jail.

Article 2 of Chapter 148 provides regulations for prisons.

BILL ANALYSIS:

Section 1 modifies the provisions related to the transfer of prisoners when necessary for safety, security, or medical purposes. This section does the following:

- Adds a requirement that the Department of Public Safety, Health Services Section must maintain records of prisoners transferred due to a safety risk. The records kept must include specific enumerated information.

- Modifies the costs that counties transferring prisoners must pay to include: 1) additional costs for transportation and custody for prisoners receiving health care outside of the prison facility and reimbursement at the same reimbursement rate and hourly custody rate provided in the Statewide Misdemeanant Confinement Program and 2) the cost of all sick call encounters at the rate charged to State prison inmates.

- Provides a process a sheriff can use to seek an extension beyond the initial thirty-day treatment period. During the 30 days, the Division of Adult Correction and Juvenile Justice must conduct an assessment of treatment and venue needs of the prisoner. The sheriff must then provide the assessment and any other relevant information to the resident superior court judge or any judge holding superior court in the district or any district court judge to determine whether to extend the transfer of the prisoner.

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- The Department must not refuse to accept a safekeeper because a county has failed to pay the Department for safekeeping services rendered, but the Department of Revenue must pursue collections from the county for unpaid fees outstanding for 120 days or more.

- Adds a provision that if a sheriff fails to assume custody of a county prisoner within 10 days of being notified of the return, then the Department may charge the county an additional per day, per inmate rate not to exceed $20.00 per day. This fee may be waived for up to 10 days if the sheriff provides documentation of extenuating circumstances.

- Makes other technical and conforming changes.

Section 2 adds a new section to Article 2 of Chapter 148 requiring the following:

- The Department to determine the appropriateness of submitting a Medicaid application on behalf of a prisoner and submitting the application when appropriate. All unreimbursed charges for health care services must be documented and sent to the county for payment.

- The Department to update the medical service schedule of charges assessed to counties for health care services.

- The Department to submit a report on the updated medical services schedule to the Joint Legislative Oversight Committee on Justice and Public Safety on or before December 1, 2019.

EFFECTIVE DATE: This act becomes effective July 1, 2019.

*Staff Attorney Tawanda Foster substantially contributed to this summary.