



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

2019-2020 General Assembly

Committee:	House Judiciary. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	February 26, 2019
Introduced by:	Reps. Horn, Lucas	Prepared by:	Tawanda N. Foster Staff Attorney
Analysis of:	First Edition		

OVERVIEW: *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 to 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 seek an extension beyond the initial fifteen-day period by requesting an assessment of treatment and venue needs by the Division of Adult Correction and Juvenile Justice. The assessment is then provided 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.
- Allows the Department to refuse to accept a prisoner for medical or mental health treatment from a county who 1) has failed to pay for services rendered under this section for 120 days or more, or 2) who does not participate in the Statewide Misdemeanant Confinement Program.

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- Adds a provision that if a sheriff fails to assume custody of a county prisoner within 5 days of being notified of the return, then the Department may also 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 prisoner's eligibility for enrollment in Medicaid to be used for reimbursement for qualifying health care services and ensure proper Medicaid applications are completed and submitted. 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.