

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2152

Session of
1995

INTRODUCED BY GLADECK, SAYLOR, BROWN, PICCOLA, BAKER, WAUGH,
FARGO, PHILLIPS, RUBLEY, HERMAN, SCHULER, GODSHALL, JAROLIN,
DALEY, STABACK, SCHRODER, CLYMER, GORDNER, FAIRCHILD, LEH,
WOGAN, LEDERER, E. Z. TAYLOR, MCGILL, ARGALL, BUNT, ITKIN,
CORRIGAN, ROHRER, BOSCOLA, SATHER, CURRY, TRUE, BATTISTO,
STISH, RAYMOND, TRELLO, FAJT, THOMAS, BROWNE, MERRY, HALUSKA
AND SERAFINI, OCTOBER 24, 1995

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, NOVEMBER 14, 1995

AN ACT

1 Establishing the Prison Medical Services Program within the
2 Department of Corrections.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Prison
7 Medical Services Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall
10 have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Department." The Department of Corrections of the
13 Commonwealth.

14 "Program." The Prison Medical Services Program established
15 for inmates under section 3 of this act.

1 Section 3. Medical services program.

2 (a) Establishment.--The Prison Medical Services Program is
3 established in the Department of Corrections which shall
4 include, but not be limited to, the provisions of this act. This
5 program shall be a copay program requiring inmates to pay a fee
6 to cover a portion of the actual costs of the medical services
7 provided.

8 (b) Fees.--The department shall develop by regulation a
9 program for inmates which includes fees for certain medical
10 services. The regulations shall provide for consistent medical
11 services guidelines by specifying the medical services which are
12 subject to fees, the fee amounts, payment procedures, medical
13 services which are not subject to fees and fees applicable to
14 medical emergencies, chronic care and preexisting conditions. In
15 addition to other medical services provided to the inmate, an
16 inmate may be required to pay a fee for medical services
17 provided because of injuries the inmate inflicted upon himself
18 or another inmate.

19 (c) Explanation of program.--Each inmate shall be advised of
20 the medical services fees and payment procedures at the time of
21 intake. ~~An explanation of the program regulations shall be~~ <—
22 ~~included in the inmate handbook.~~

23 (d) Written notice of changes.--Each inmate shall receive
24 written notice of any changes in medical services fees and
25 payment procedures.

26 (e) Ability to pay.--No inmate shall be denied access to
27 medical services because of an inability to pay the required
28 fees.

29 (f) Fee debits.--An inmate shall acknowledge in writing any
30 debit made to his inmate account for a medical services fee.

(g) ~~Deposits.--Medical services fees collected under this act shall first be used by the department for the administrative costs of the program. However, no more than 25% of the fees collected in any one fiscal year shall be used for administrative costs. The remaining fees collected shall be deposited in the Inmate General Welfare Fund and may be used by the department for medical related equipment, programming or literature.~~ ALL FEES COLLECTED UNDER THIS ACT SHALL BE DEPOSITED INTO THE GENERAL FUND.

Section 4. Powers and duties of department.

The department shall implement the program by:

(1) Issuing regulations as required under section 3.

(2) Providing department staff and medical services providers with training relating to the program.

(3) Developing administrative forms for the implementation of the program.

(4) Providing for administrative and accounting procedures for the program and an annual audit of the program.

Section 5. Costs outstanding upon release.

The department may seek to recover any amount owed for medical services fees by an inmate upon release from prison through a civil action brought within one year of the inmate's release. The department shall have the burden to prove the amount owed. Inability to pay as determined by the court shall be a defense to the payment of part or all of the fees.

Section 6. Report to General Assembly.

The department shall submit to the Judiciary Committee of the Senate and the Judiciary Committee of the House of Representatives an annual report on the Prison Medical Services

1 Program established under this act. The report shall provide
2 information on the fees charged and the fees collected under the
3 program and shall include a summary of the annual audit of the
4 program as required under section 4. The report may recommend
5 legislative changes for the program and propose model
6 legislation for counties which may wish to develop similar
7 programs.

8 Section 7. Applicability.

9 The department shall collect fees for medical services
10 provided to an inmate after the effective date of the program
11 regulations as published in the Pennsylvania Bulletin.

12 Section 8. Effective date.

13 This act shall take effect immediately.